

(Del. Rev. 12/98)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PATRICIA E. Morgan

(Name of Plaintiff or Plaintiffs)

v.

CIVIL ACTION NO. 08-41

GEM CRAFT Homes

(Name of Defendant or Defendants)

COMPLAINT

1. This action is brought pursuant to 42 U.S.C. 3600-3620
(Federal statute on which action is based)
for discrimination related to RACE + SEX jurisdiction exists by virtue of
(In what area did discrimination occur? e.g. race, sex, religion)
FAIR HOUSING ACT.
(Federal statute on which jurisdiction is based)

2. Plaintiff resides at 12008 GREEN TEE TURN
(Street Address)
UPPER MARLBORO, Md. 20772
(City) (County) (State) (Zip Code)
301-856-5334
(Area Code) (Phone Number)

3. Defendant resides at, or its business is located at 1034 W. STEIN Highway Suite A
(Street Address)
SEAFORD, SUSSEX, DE 19973
(City) (County) (State) (Zip Code)

4. The alleged discriminatory acts occurred on 28, April, 2006
(Day) (Month) (Year)

5. The alleged discriminatory practice Q is Q is not continuing.

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

2008 APR 28 AM 9:15

6. Plaintiff(s) filed charges with the Division of Human Relations
(Agency)
114 E. Market St Georgetown, DE 19947
(Street Address) (City) (County) (State) (Zip)

regarding defendant(s) alleged discriminatory conduct on: Oct. 23, 2006
(Date)

7. Attach decision of the agency which investigated the charges referred in paragraph 6 above.

8. Was an appeal taken from the agency's decision? Yes ☐ No ☒

If yes, to whom was the appeal taken? _____

9. The discriminatory acts alleged in this suit concern: (Describe facts on additional sheets if necessary)

Package of complaint filed with Division
of Human Relations and their response attached.

10. Defendant's conduct is discriminatory with respect to the following:

- ☒ A. ☐ Q Plaintiff's race
- B. ☐ Q Plaintiff's color
- ☒ C. ☐ Q Plaintiff's sex
- D. ☐ Q Plaintiff's religion
- E. ☐ Q Plaintiff's national origin

11. Plaintiff prays for the following relief: (Indicate the exact relief requested)

PUNITIVE DAMAGES IN THE AMOUNT OF \$3,000,000.00

downpayment

MEDICAL EXPENSES

STRESS .

Anything the COURT FEELS JUST AND PROPER

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4-25-08

Patricia K. Morgan
(Signature of Plaintiff)

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201

DAVID J. SHUSTER
ALSO ADMITTED IN DC

TELEPHONE: (410) 752-6030
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www.kramonandgraham.com

E-Mail:
dshuster@kg-law.com
DIRECT FACSIMILE
(410) 361-8229

✓ February 15, 2007

VIA FACSIMILE (302-856-5146)
AND FIRST CLASS MAIL

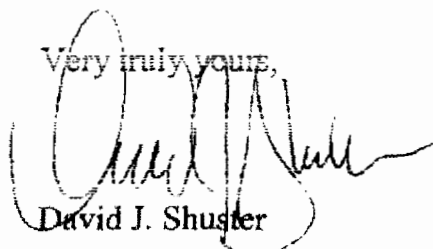
Mr. Nicholas J. Mirro
State of Delaware
Division of Human Relations
820 N. French Street
Wilmington, Delaware 19801

RE: *Morgan v. Gemcraft Homes, et al.*
Case No. S-H-1118-07

Dear Mr. Mirro:

Enclosed is the No Fault Settlement Invitation. Please let me know if you have any questions.

Very truly yours,



David J. Shuster

DJS:ctd
Enclosure

cc: Patricia Morgan (w/encs.)

FILED
FBI U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2008 APR 28 AM 9:19

NO FAULT SETTLEMENT INVITATION

In an effort to alleviate delay in resolving this charge, the Division of Human Relations is advising you of the availability of an alternate process of resolution known as *No Fault Settlement*.

The objective of the *No Fault Settlement* is to promote early resolution of the complaint whenever possible. This settlement process is initiated only upon the request of the Respondent. Upon notification that you, in good faith, wish to attempt *No Fault Settlement*, a representative of the Human Relations Division will discuss a proposed means of settlement with you. Any proposed settlement, of course, negotiable. If a settlement proposal is acceptable to all parties, no further investigation is conducted, nor is a determination issued as to the merits of the charge.

No prejudice will result from your decision to accept or reject this invitation to participate in settlement attempts. Should you decide to have the agency assist you in attempting to negotiate a *No Fault Settlement*, your decision will not be construed as an admission of a violation. In the event negotiations fail and early settlement agreement is not achieved, the Division of Human Relations will proceed to investigate the charge fully.

Agreement to enter into a *No Fault Settlement* negotiation should not be confused with a Fact Finding Conference. During *No Fault Settlement* negotiations, the positions of the parties and the merits of their case are not considered and should not be discussed.

The advantages of such a procedure, as opposed to the standard full investigative process, are considerable. Foremost is the control that the parties have on the outcome of the dispute through conciliation.

☒ Yes, we accept your invitation to attempt a *No Fault Settlement* of the charge(s). We understand we may be asked to furnish information necessary to devise appropriate settlement remedies. We understand that it is not necessary to return the enclosed Respondent's Questionnaire at this time.

☐ No, we do not want to attempt a *No Fault Settlement* at this time. Please proceed with the investigation. We understand that the enclosed Respondent's Questionnaire must be completed and returned to your Division within ten (10) calendar days of my receipt of the charge(s) found herein.

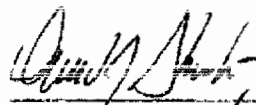
COMPLAINT NO: S-H-1118-07

Case Name:

Patricia Morgan

v

Gemcraft Homes, et al

 as attorney for Gemcraft
Homes, Inc.

Signature of Authorized Agent

Gemcraft Homes, Inc.

Respondent's Name

2205-A Commerce Rd., Forest Hill, MD 21050

Address

February 14, 2007

Date

SUSSEX OFFICE
546 S. BEDFORD STREET
GEORGETOWN, DELAWARE 19947
TELEPHONE: (302) 856-5331



KENT OFFICE
805 RIVER ROAD
DOVER, DELAWARE 19901
TELEPHONE: (302) 739-4567

STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF HUMAN RELATIONS
820 N. FRENCH STREET
WILMINGTON, DELAWARE 19801
TELEPHONE: (302) 577-5050

OFFICE OF THE
DIRECTOR

January 25, 2007

Patricia Morgan
24531 Pine Bark Lane
Seaford, DE 19973

Re: **Morgan v. Gemcraft Homes, et al**
Case No.: S-H-1118-07

Dear Ms. Morgan:

Your complaint alleging discriminatory housing practices was received and officially filed on **January 17, 2007** as a complaint under the Delaware Fair Housing Act. This Complaint has also been filed with the U. S. Department of Housing and Urban Development as the agency having jurisdiction under the Federal Fair Housing Act. This action is set forth in an Agreement for Interim Referrals between this agency and the Department of Housing and Urban Development. We have enclosed a copy of your signed complaint and a copy has been sent to the Respondent.

The Division is required to complete the investigation and issue determination of "cause" or "no cause" within 100 days unless it is impractical to do so. Attempts to conciliate the matter will be made. If the investigation produces evidence to substantiate reasonable cause to believe an unlawful discriminatory housing practice occurred, a Charge will be issued on your behalf for further proceedings. If the investigation determines no reasonable cause exists to believe an unlawful housing practice has occurred, the Complaint will be dismissed.

If a Charge is issued, you, the Respondent, or an aggrieved person may elect to have the Charge decided in a civil action in court rather than the administrative hearing scheduled before a Commission Panel. The election must be made within 20 days after receipt of the Charge.

In the alternative, you or any other aggrieved person has the right to bring a private civil action in the appropriate court of jurisdiction no later than 2 years after the occurrence or termination of the alleged discriminatory practice. A private civil action cannot proceed if the Commission has commenced a hearing on the Charge.

P. Morgan

1/25/07

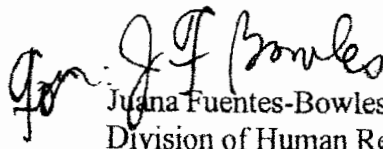

Page 2

The Division of Human Relations Representative assigned to the complaint is Nicholas J. Mirro and in accordance with administrative procedure, the offer of a pre-determination *No-Fault Settlement* is made to the Respondent. Your fact-finding conference has been scheduled as:

DATE: February 27, 2007
TIME: 10:00 a.m.
ADDRESS: Georgetown State Service Center
546 S. Bedford Street
Georgetown DE 19947
ROOM: 2117 (2nd Floor)

Please be assured these proceedings in this matter will be conducted with confidentiality, and feel free to contact the Human Relations Representative should you have any questions.

Sincerely,


Juana Fuentes-Bowles, Director
Division of Human Relations 

NJM:aah

Enclosure: Copy of Complaint
Fact-Finding Brochures
Statute/Regulation

Cc: File

FORM:112:03A

Housing Discrimination Complaint

THE DIVISION OF HUMAN RELATIONS STATE OF DELAWARE

PLEASE TYPE OR PRINT THIS FORM - DO NOT WRITE IN THE SHADED AREAS

THIS SECTION IS FOR STATE USE ONLY

NUMBER: S-H-1118-07	Jurisdiction: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Additional Info
FILING DATE: 1-17-07	
1 Name of aggrieved person or organization (last name, first name, middle initial)(Mr., Mrs., Miss, Ms.) Morgan, Patricia	Home Phone (302) 628-3674
	Business Phone (301) 404-1362

Street Address (city, county, state, and zip code)

24531 Pine Bark Lane, Seaford, Sussex, DE 19973

Name of contact person (last name, first name, middle initial) (Mr., Mrs., Miss, Ms.)

Home Phone

Business Phone

Street Address (city, county, state, and zip code)

2. Against whom is this complaint being filed? Name (last name, first name, middle initial)

Carey, William J.

Phone Number

(302) 628-7650

Street Address (city, county, state, and zip code)

Suite A, 1034 W. Stein Hwy., Seaford, DE 19973

Check the applicable box or boxes which describe(s) the party named above:

☐ Builder ☐ Owner ☐ Broker ☐ Salesperson ☒ Supt. Or Manager ☐ Bank or Other Lender ☐ Other
If you named an individual above who appeared to be acting for a company in this case, check this box ☒ and write the name and address of the company in this spaceName: **Gemcraft Homes**Register Agent: **c/o HIQ Corporate Services, Inc, Agent**Tel. **(302) 678-0855**Address: **Suite A, 1034 W. Stein Hwy., Seaford, DE 19973****3500 S. DuPont Highway, Dover, DE 19901**

Name and identify others (if any) you believe violated the law in this case:

3. What did the person you are complaining against do? Check all that apply and give the most recent date these act(s) occurred in block No. 6b below.

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Refused to rent, sell, or deal with you | <input type="checkbox"/> Falsely denied housing was available | <input type="checkbox"/> Engaged in blockbusting | <input type="checkbox"/> Discriminated in broker's services |
| <input checked="" type="checkbox"/> Discriminated in the conditions or terms of sale, rental occupancy, or in services or facilities | <input type="checkbox"/> Advertised in a discriminatory way or made discriminatory statement | <input type="checkbox"/> Discriminated in financing | <input type="checkbox"/> Intimidated, interfered, or coerced you to keep you from the full benefit of the State and Federal Fair Housing Law |
| <input type="checkbox"/> Other (Explain) | | | |

4. Do you believe that were discriminated against because of your race, religion, familial status, age, color, marital status, creed, national origin, sex, handicap? Check all that apply:

- | | | | | | | | | |
|---|---|--|-------------------------------------|--|--|--|---|--|
| <input checked="" type="checkbox"/> Race or Color | <input type="checkbox"/> Religion (Specify) | <input checked="" type="checkbox"/> Sex | <input type="checkbox"/> Disability | <input type="checkbox"/> Familial Status | <input type="checkbox"/> Age (Specify) | <input type="checkbox"/> Creed (Specify) | <input type="checkbox"/> Marital Status | <input type="checkbox"/> National Origin (Specify) |
| <input checked="" type="checkbox"/> Black | | <input type="checkbox"/> Male | <input type="checkbox"/> Physical | <input type="checkbox"/> Presence of children under 18 in the family | | | | |
| <input type="checkbox"/> White | | <input checked="" type="checkbox"/> Female | <input type="checkbox"/> Mental | <input type="checkbox"/> Pregnancy or pending custody of a minor. | | | | |
| <input type="checkbox"/> Other | | | | | | | | |

5. What kind of house or property was involved?

- ☒
- Single-family house
-
- ☐
- A house or building for 2, 3, or 4 families
-
- ☐
- A building for 5 families or more
-
- ☐
- Other, including vacant land held for residential use (Explain)
- Mobile Home in Park**

Did the owner live there?

- ☐
- Yes
-
- ☒
- No
-
- ☐
- Unknown

Is the house or property:

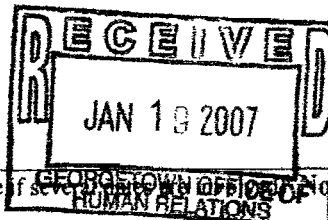
- ☒
- Being sold?
-
- ☐
- Being rented?

What is the address of the house or property? (street, city, county, state, & zip code)

**24531 Pine Bark Lane
Seaford, DE 19973**

6a. Summarize in your own words what happened. Use this space for a brief and concise statement of facts. Additional details may be submitted on an attachment. The Division of Human Relations will furnish a copy of the complaint to the person or organization against whom the complaint is made.

See Attached

6b. When did the act(s) checked in Item 3 occur? (Include the most recent date if several dates.) **November 14, 2006.**

7. I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct. Signature and Date:

Patricia A. MorganFile Date:
(Date Complaint was filed)**1-17-07**

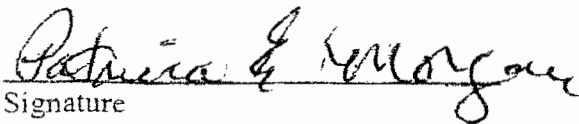
Attachment to State Housing Complaint (103:03A)
Morgan v. Gemcraft, et al
Page 2

6a. Summary.

The Respondents, Gemcraft Homes and William J. Carey, discriminated against me in the terms, conditions or privileges of sale of a dwelling, or in the provision of services or facilities in connection therewith because of my race (Black) and sex (Female).

Specifically, on or about April 28, 2006, I went through a final walk-through inspection on my new home I purchased at 24531 Pine Bark Lane in Seaford. At that time, I noted several major defects in my home and was assured they would be repaired as soon as possible. The most severe of these defects is an infestation of mites, which I was informed, is due to the fact that Gemcraft never treated the land nor did they install a termite barrier shield over the foundation before the home was built. Furthermore, I still have major defects like missing mortar in bricks, cracked window frames and water damage from a leaking pipe in the attic which has been causing water to flow above the ceiling and behind the walls.

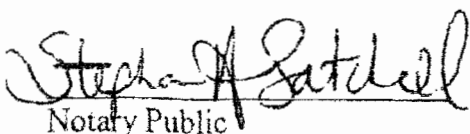
On or about October 23, 2006, William Carey (Production Manager for Gemcraft) finally came to my home to see what repairs needed to be completed. Gemcraft had already received a "30-day list" and a "6 month list" as requested but none of the major defects were repaired. I attempted to show Mr. Carey the infestation of mites I have on me and throughout the house and he stated that if I called his office about bugs coming into my house I would not get a return call. When I then asked him about the cracked window frames he tried to state that in order to get window casings I had to pay for an upgrade to Anderson Windows. Finally, when I then asked if they were going to repair my walls which are damaged due to the continuous water leak behind them, he said, "As a rule of thumb, if we stand in the middle of the room and if we can't see the damage we don't fix it." I felt he treated and spoke to me with arrogance and in a demeaning manor. I have noted other neighbors of different race and sex having their homes repaired while my major defects still exist. I believe I was treated this way because of my race (Black) and sex (Female).


Signature

1-17-07
Date

SUBSCRIBED AND SWORN to before me

this 17th day of January, 2007.


Notary Public

FACT FINDING CONFERENCE

The first step in the investigation is the Fact-Finding Conference. It is an opportunity for the investigator to obtain and to clearly define the issues in dispute. The Division investigator is Nicholas J. Mirro who can be reached at (302) 856-5331.

The Fact-Finding Conference is scheduled as:

DATE: February 27, 2007
TIME: 10:00 a.m.
ADDRESS: Georgetown State Service Center
546 S. Bedford Street
Georgetown DE 19947
ROOM: 2117 (2nd Floor)

You may **NOT** send a substitute for yourself or bring persons not requested to attend without first obtaining permission from the Division representative. You may request that it be rescheduled as long as the Division receives the request at least five (5) days in advance of the scheduled conference.

The enclosed Questionnaire must be completed and returned to the Division within 10 days.

An alternative dispute resolution option is the "No Fault Settlement" that may be reached through conciliation. **Information on this alternative is enclosed.**

COMPLAINT NO: S-H-1118-07

Case Name:

Patricia Morgan

v.

Gemcraft Homes, et al

Signature of Authorized Agent

Respondent's Name

Address

Date

**THE STATE HUMAN RELATIONS COMMISSION
STATE OF DELAWARE**

Patricia E. Morgan	)	Case No.: <u>S-H-1118-07</u>
)	
v.	)	Code: <u>003723</u>
)	
Gemcraft Homes et al.)	
	)	Case Basis: <u>Race(Black) and Sex</u>
	)	<u>(Female)</u>

**PLEASE COMPLETE AND RETURN TO THE DIVISION OF HUMAN RELATIONS
WITHIN TEN (10) DAYS OF RECEIPT.**

1. Please state the full name, title, address, and telephone number of the person(s) responsible for providing the answers to this questionnaire.
2. Please state the full name of the person(s) or business entity (ies) that built the property located at 24531 Pine Bark Lane, Seaford, DE 19973 and the date of completion. Indicate the name(s) and title(s) of the principal(s).
3. Please state correct and legal addresses for property named in question 2.
4. Please list all other property(ies) located in the State of Delaware built or held by the principals or business entities named in question number two (2) and three (3).
5. State the full legal name of the person(s), company, or legal entity that presently manages the daily operations of the model home located at The Pines at Seaford., Delaware 19973.
6. State the homes within The Pines of Seaford development which have had repairs completed, the race and sex of each owner and the date of completion.
7. Please state whether owner or manager receives federal funding or tax incentives for housing or housing subsidies. Please list each source or program.
8. Please state whether owner or manager receives state sponsored funding, tax incentives for housing, or housing subsidies. Please list each source or program.
9. Indicate how The Pines at Seaford was advertised and explain in detail how inquiries and applications are processed. Forward copies of all forms, letters, applications, leases or contracts and other documents used in connection with processing, acquiring, or placement of residents at this property.

Respondent's Questionnaire
Morgan v. Gemcraft Homes, et al
Page 2

10. Please provide a list of all owners who are still in need of repairs, their race and the nature of those repairs.
11. Please provide copies of all housing advertisements that have run in Delaware newspapers, magazines, or periodicals that advertised property (ies) owned, managed, or operated by Gemcraft Homes in relation to The Pines at Seaford development.
12. Please provide copies of current and previous rules, regulations, and policies for The Pines at Seaford housing development.
13. Please identify employees, maintenance contractors, handymen/women, or agents of Gemcraft Homes who are responsible for repairs and maintenance of homes at The Pines at Seaford housing development.
14. Please state the job title and duties of Steve Moses, on April 28, 2006, and currently, if different from the aforementioned date.
15. Please state the job title and duties of William Carey, on October 23, 2006, and currently, if different from the aforementioned date.
16. Please explain in detail the procedure(s) that owners must follow to have repairs completed on their homes.
17. Please make a concise, yet comprehensive response to the enclosed Complaint of Discrimination.
18. Please state if others have made formal or informal allegations of discrimination against Gemcraft Homes or any of your employees within the last five (5) years.
19. Please have all parties involved, provide a sworn or affirmed statement regarding the allegations or any involvement they have had with the Complainant, Patricia E. Morgan.
20. Please provide or suggest any other information that you feel would be helpful toward investigating this matter.

Housing Discrimination Complaint

U.S. Department of Housing
and Urban Development
Office of Fair Housing
and Equal Opportunity

OMB Approval No. 2529-0011
(exp. 4/30/2001)

2007 FEB -1 AM 11:08

Please type or print this form

Public Reporting Burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Read this entire form and all the instructions carefully before completing. All questions should be answered. However, if you do not know the answer or if a question is not applicable, leave the question unanswered and fill out as much of the form as you can. Your complaint should be signed and dated. Where more than one individual or organization is filing the same complaint, and all information is the same, each additional individual or organization should complete boxes 1 and 7 of a separate complaint form and attach it to the original form. Complaints may be presented in person or mailed to the HUD State Office covering the State where the complaint arose (see list on back of form), or any local HUD Office, or to the Office of Fair Housing and Equal Opportunity, U.S. Department of HUD, Washington, D.C. 20410.

This section is for HUD use only.

Number 03-07-0201-8	(Check the applicable box) <input checked="" type="checkbox"/> Referral & Agency (specify) DOH <input type="checkbox"/> Systemic <input type="checkbox"/> Military Referral	Jurisdiction <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Additional Info	Signature of HUD personnel who established Jurisdiction CB
Filing Date 1/17/07			

1. Name of Aggrieved Person or Organization (last name, first name, middle initial) (Mr., Mrs., Miss, Ms.)
Morgan, Patricia

Home Phone
(302) 628-3674

Business Phone
(301) 404-1362

Street Address (city, county, State & zip code)

24531 Pine Bark Lane, Seaford, Sussex, DE 19973

2. Against Whom is this complaint being filed? (last name, first name, middle initial)

Carey, William J.

Phone Number
(302) 628-7650

Street Address (city, county, State & zip code)

Suite A, 1034 W. Stein Hwy., Seaford, Sussex, DE 19973

Check the applicable box or boxes which describe(s) the party named above:

☐ Builder ☐ Owner ☐ Broker ☐ Salesperson ☒ Supt. or Manager ☐ Bank or Other Lender ☐ Other

If you named an individual above who appeared to be acting for a company in this case, check this box ☐ and write the name and address of the company in this space:

Name:

Address

Gemcraft Homes R.A.: HIQ Corp., Serv., Inc. Ste. A, 1034 W. Stein Hwy., Seaford, DE 19973; 3500 S. DuPont Hwy., Dover

Name and identify others (if any) you believe violated the law in this case:

3. What did the person you are complaining against do? Check all that apply and give the most recent date these act(s) occurred in block No. 6a below.

☐ Refuse to rent, sell, or deal with you ☐ Falsely deny housing was available ☐ Engage in blockbusting ☐ Discriminate in broker's services
☒ Discriminate in the conditions or terms of sale, rental occupancy, or in services or facilities ☐ Advertise in a discriminatory way ☐ Discriminate in financing ☐ Intimidated, interfered, or coerced you to keep you from the full benefit of the Federal Fair Housing Law
☐ Other (explain)

4. Do you believe that you were discriminated against because of your race, color, religion, sex, handicap, the presence of children under 18, or a pregnant female in the family or your national origin? Check all that apply.

☒ Race or Color ☐ Religion (specify) ☒ Sex ☐ Handicap ☐ Familial Status ☐ National Origin
☒ Black ☐ Male ☐ Physical ☐ Presence of children under 18 in the family ☐ Hispanic ☐ American ☐ Other (specify)
☐ White ☒ Female ☐ Mental ☐ Pregnant female ☐ Asian or Indian or Pacific Alaskan
☐ Other ☐ Islander Native

5. What kind of house or property was involved?

☒ Single-family house
☐ A house or building for 2, 3, or 4 families
☐ A building for 5 families or more
☐ Other, including vacant land held for residential use (explain)

Did the owner live there?

☐ Yes
☒ No
☐ Unknown

Is the house or property

☒ Being sold?
☐ Being rented?

What is the address of the house or property?

(street, city, county, State & zip code)
**24531 Pine Bark Lane
Seaford, DE 19973**

6. Summarize in your own words what happened. Use this space for a brief and concise statement of the facts. Additional details may be submitted on an attachment.
Note: HUD will furnish a copy of the complaint to the person or organization against whom the complaint is made.

SEE ATTACHMENT

6a. When did the act(s) checked in Item 3 occur? (include the most recent date if several dates are involved)

11/14/06

7. I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

Signature & Date

Patricia L Morgan 1-17-07

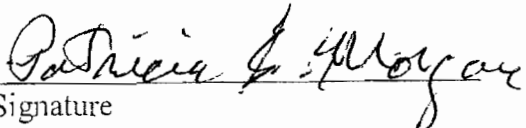
Attachment to HUD 903
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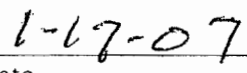
6a. Summary:

The Respondents, Gemcraft Homes and William J. Carey, discriminated against me in the terms, conditions or privileges of sale of a dwelling, or in the provision of services or facilities in connection therewith because of my race (Black) and sex (Female).

Specifically, on or about April 28, 2006, I went through a final walk-through inspection on my new home I purchased at 24531 Pine Bark Lane in Seaford. At that time, I noted several major defects in my home and was assured they would be repaired as soon as possible. The most severe of these defects is an infestation of mites, which I was informed, is due to the fact that Gemcraft never treated the land nor did they install a termite barrier shield over the foundation before the home was built. Furthermore, I still have major defects like missing mortar in bricks, cracked window frames and water damage from a leaking pipe in the attic which has been causing water to flow above the ceiling and behind the walls.

On or about October 23, 2006, William Carey (Production Manager for Gemcraft) finally came to my home to see what repairs needed to be completed. Gemcraft had already received a "30-day list" and a "6 month list" as requested but none of the major defects were repaired. I attempted to show Mr. Carey the infestation of mites I have on me and throughout the house and he stated that if I called his office about bugs coming into my house I would not get a return call. When I then asked him about the cracked window frames he tried to state that in order to get window casings I had to pay for an upgrade to Anderson Windows. Finally, when I then asked if they were going to repair my walls which are damaged due to the continuous water leak behind them, he said, "As a rule of thumb, if we stand in the middle of the room and if we can't see the damage we don't fix it." I felt he treated and spoke to me with arrogance and in a demeaning manor. I have noted other neighbors of different race and sex having their homes repaired while my major defects still exist. I believe I was treated this way because of my race (Black) and sex (Female).


Signature


Date

04/02/2007 13:04 FAX 410 539 1269

KRAMON & GRAHAM PA

001

LAW OFFICES
Kramon & Graham, P.A.
One South Street
Suite 2600
Baltimore, Maryland 21202-3201
Telephone: (410) 752-6030
Facsimile: (410) 539-1269

FACSIMILE COVER LETTER

Transmission Date: April 2, 2007 Client Name: Gemcraft/Morgan
Transmission Time: _____ File No.: 06691

PLEASE TRANSMIT THE FOLLOWING PAGES TO:

NAME	FAX NO.
Nicholas J. Mirro	302-856-5146

TOTAL NUMBER OF PAGES (including this cover sheet): 3

Sender: David J. Shuster, Esq. Sending Fax No.: (410) 539-1269

MESSAGE:

If you do not receive all pages, please call back as soon as possible to (410) 752-6030; ask for Connie Davis. Thank you.

HARD COPY TO FOLLOW: X YES NO

The information contained in this Fax message is intended only for the **PERSONAL AND CONFIDENTIAL** use of the designated recipient(s) named above. This message may be an attorney-client communication, and as such is **PRIVILEGED AND CONFIDENTIAL**. If the reader of this message is not an intended recipient or an agent responsible for delivering it to an intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. THANK YOU!

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DIRECT FACSIMILE
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April 2, 2007

VIA FEDERAL EXPRESS

Nicholas J. Mirro
State of Delaware, Department of State
Division of Human Relations
820 N. French Street
Wilmington, Delaware 19801

RE: Morgan v. Gemcraft Homes, Inc.
Case No. S-H-1118-07

Dear Mr. Mirro:

As you know, this firm represents Gemcraft Homes, Inc. ("Gemcraft") in the referenced matter. I write to supplement Gemcraft's March 22, 2007 answers to the questions propounded by your office.

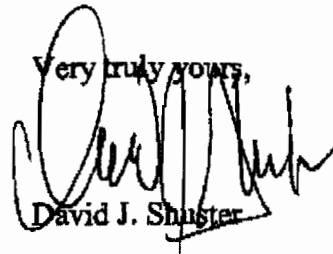
On Friday, March 30, 2007, the Maryland Commission on Human Relations issued a Written Finding in connection with the complaint against Gemcraft by Jesse L. Watson and Machele V. Johnson. The Commission has determined that no probable cause exists to support the complainants' claims of discrimination. Accordingly, Gemcraft hereby supplements its response number 18.B as follows:

Jesse L. Watson and Machele V. Johnson v. Chesapeake Mortgage Funding, LLC and Gemcraft Homes, Inc.
(Maryland Commission on Human Relations, Charge #0612-0827): in an administrative complaint, Mr. Watson alleged racial discrimination. On March 30, 2007, the Commission "determined that there is **No Probable Cause** to believe that [Gemcraft] discriminated against the Complainants on the basis of their race" Watson v. Chesapeake Mortgage Funding, LLC, Charge #0612-0827, Written Finding at ¶14

Nicholas J. Mirro
April 2, 2007
Page 2

(Mar. 30, 2007 Maryland Commission on Human Relations)
(emphasis in original).

Please let me know if you have any questions.

Very truly yours,

David J. Shuster

DJS:cmv

cc: Brian Fromme
Della Keyes

THE STATE HUMAN RELATIONS COMMISSION
STATE OF DELAWARE

PATRICIA E. MORGAN * Case No.: S-H-1118-07

v. * Code: 003723

GEMCRAFT HOMES, *et al.* *

*

* * * * *

1. Please state the full name, title, address, and telephone number of the person(s) responsible for providing the answers to this questionnaire.

Answer: Della Keyes, Vice President and Division Manager, Suite A, 1034 W. Stein Highway, Seaford, Delaware, 19973, (302) 628-7650; William A. Carey, Production Manager, The Pines at Seaford, Suite A, 1034 W. Stein Highway, Seaford, Delaware, 19973, (302) 628-7650.

2. Please state the full name of the person(s) or business entity(ies) that built the property located at 24531 Pine Bark Lane, Seaford, DE 19973 and the date of completion. Indicate the name(s) and title(s) of the principal(s).

Answer: Gemcraft Homes, Inc. ("Gemcraft") constructed the house. It was completed on or about April 26, 2006, the date on which the use and occupancy permit was issued. Many individuals were involved in the construction of the house, including laborers, workers, suppliers, subcontractors, etc.

3. Please state correct and legal addresses for property named in question 2.

Answer: 24531 Pine Bark Lane, Seaford, DE 19973.

4. Please list all other property(ies) located in the State of Delaware built or held by the principals or business entities named in question two (2) and three (3).

Answer: Gemcraft objects to this question, because it is overly broad and unduly burdensome. Moreover, the question is not limited to any specific time period. Subject to and without waiving those objections, Gemcraft states that it has constructed hundreds of homes in the State of Delaware during the course of its business operations. Listing each house constructed would be extremely burdensome, time-consuming, and costly. Gemcraft has constructed homes in many communities in Delaware, including:

(A) Barklay Estates, Millsboro, DE

(B) Bay Ridge Woods, Lewes, DE

punch-list items are addressed with each customer on a case-by-case basis. The dates of completion (based on the dates of the issuance of the use and occupancy permits) of the houses thus far constructed in the community are:

- (A) 2/24/06: 24530 Pine Bark Lane, Seaford, DE 19973
- (B) 2/24/06: 24454 Pine Needle Court, Seaford, DE 19973
- (C) 3/28/06: 10521 Tall Pine Drive, Seaford, DE 19973
- (D) 3/28/06: 10528 Tall Pine Drive, Seaford, DE 19973
- (E) 4/19/06: 24527 Pine Bark Lane, Seaford, DE 19973
- (F) 4/26/06: 24531 Pine Bark Lane, Seaford, DE 19973 (Ms. Morgan's home)
- (G) 7/28/06: 24448 Pine Needle Court, Seaford, DE 19973
- (H) 10/12/06: 10525 Tall Pine Drive, Seaford, DE 19973
- (I) 10/24/06: 24450 Pine Needle Court, Seaford, DE 19973
- (J) 12/8/06: 10509 Tall Pine Drive, Seaford, DE 19973

7. **Please state whether owner or manager receives federal funding or tax incentives for housing or housing subsidies. Please list each source or program.**

Answer: Gemcraft does not receive federal funding or tax incentives for housing or housing subsidies.

8. **Please state whether owner or manager receives state sponsored funding, tax incentives for housing, or housing subsidies. Please list each source or program.**

Answer: Gemcraft does not receive state sponsored funding, tax incentives for housing or housing subsidies.

9. **Indicate how The Pines at Seaford was advertised and explain in detail how inquiries and applications are processed. Forward copies of all forms, letters, applications, leases or contracts and other documents used in connection with processing, acquiring, or placement of residents at this property.**

Answer: Gemcraft objects to this question, because it is overly broad and unduly burdensome. Subject to and without waiving these objections, Gemcraft states that it utilizes a variety of advertising methods, including newspaper ads, billboard signs, brochures, radio spots, *etc.*, copies of some of which are attached to these responses as *Exhibit A*. Also attached is a copy of contract documents relating to the subject property. See *Exhibit B*.

10. **Please provide a list of all owners who are still in need of repairs, their race and nature of those repairs.**

- (C) Buntings Mill, Selbyville, DE
- (D) Calvarese Farms, Bear, DE
- (E) Casho Mill, Newark, DE
- (F) Cedar Valley, Rehoboth Beach, DE
- (G) Chestnut Ridge, Magnolia, DE
- (H) Eagle Point, Lewes, DE
- (I) Eagles Chase, Smyrna, DE
- (J) Enclave at Odessa, Townsend, DE
- (K) Glenhurst, Frederica, DE
- (L) Hayworth Estates, Bear, DE
- (M) Hickory Hollow, Smyrna, DE
- (N) Oakmont Estates, Millsboro, DE
- (O) Otter Run, Frederica, DE
- (P) Pharsalia, Camden, DE
- (Q) Plantation Lakes, Millsboro, DE
- (R) Shipbuilders Village, Milton, DE
- (S) Spring Creek, Townsend, DE
- (T) Stonewater Creek, Millsboro, DE
- (U) The Meadows at Shawnee, Milford, DE
- (V) The Pines at Seaford, Seaford, DE
- (W) The Village of Fox Meadow, Newark, DE
- (X) The Villages of Five Points, Lewes, DE
- (Y) Town & Country, Smyrna, DE
- (Z) Twin Acres, Smyrna, DE
- (AA) Victoria Forest, Millsboro, DE
- (BB) Village of Savannah, Smyrna, DE
- (CC) Villages of Old Landing, Rehoboth Beach, DE
- (DD) Wedgefield, Ocean View, DE
- (EE) Woodland Manor, Smyrna, DE
- (FF) Wyntonhorpe, New Castle, DE

5. **State the full legal name of the person(s), company, or legal entity that presently manages the daily operations of the model home located at The Pines at Seaford, Delaware 19973.**

Answer: Gemcraft Homes, Inc.

6. **State the homes within The Pines at Seaford development which have had repairs completed, the race and sex of each owner and the date of completion.**

Answer: Gemcraft objects to this question, because Gemcraft does not track the ethnic, racial, religious, or gender demographics of its customers. Gemcraft further objects because the question is overly broad and unduly burdensome. Subject to and without waiving these objections, Gemcraft states that, upon information and belief, the community is diverse. As with any new residential construction, follow-up repairs and

Answer: Gemcraft objects to this question, because Gemcraft does not track the ethnic, racial, religious, or gender demographics of its customers. Gemcraft further objects because the question is overly broad and unduly burdensome. Subject to and without waiving these objections, Gemcraft states that, as with any new residential development, Gemcraft is in the process of addressing normal repair and punch list items on a case-by-case basis. Gemcraft has addressed or is in the process of addressing normal construction and punch list items for the customers listed in Gemcraft's response to question 6 as well as the homeowners at the following addresses:

- (A) 10509 Tall Pine Drive, Seaford, DE 19973
- (B) 24450 Pine Needle Court, Seaford, DE 19973
- (C) 24530 Pine Bark Lane, Seaford, DE 19973

11. **Please provide copies of all housing advertisements that have run in Delaware newspapers, magazines, or periodicals that advertised property(ies) owned, managed, or operated by Gemcraft Homes in relation to The Pines at Seaford development.**

Answer: See answer no. 9, above.

12. **Please provide copies of current and previous rules, regulations, and policies for The Pines at Seaford housing development.**

Answer: Gemcraft objects to this question, because it is vague. The only "rules" for the community about which Gemcraft is aware are reflected in the homeowners' association documents, copies of which are attached. *See Exhibit C.*

13. **Please identify employees, maintenance contractors, handymen/women, or agents of Gemcraft Homes who are responsible for repairs and maintenance of homes at The Pines at Seaford housing development.**

Answer: Any one or more of Gemcraft's many subcontractors may be responsible for handling repair or warranty issues. Depending on the nature of the issues, Gemcraft may address the issue on its own or in conjunction with subcontractors. William A. Carey, Production Manager for The Pines at Seaford, coordinates such issues for this community.

14. **Please state the job title and duties of Steve Moses, on April 28, 2006, and currently, if different from the aforementioned.**

Answer: On April 28, 2006, Steve Moses's title was Production Supervisor for The Pines at Seaford. Mr. Moses's duties included maintenance of the building schedule for the community and for all subcontractors working in the community. He also was responsible for scheduling contractors, approving bills for the community, and managing customer issues. Mr. Moses is no longer employed by Gemcraft.

15. Please state the job title and duties of William Carey, on October 23, 2006, and currently, if different from the aforementioned date.

Answer: Mr. Carey is Gemcraft's Production Manager for The Pines at Seaford. His duties include oversight of the daily field operations in the community and supervision of subcontractors working in the community. Please refer to Gemcraft's response to question number 13 above.

16. Please explain in detail the procedure(s) that owners must follow to have repairs completed on their homes.

Answer: Before closing, every homeowner participates with Gemcraft in a walkthrough of the home and property. During this walkthrough, the parties identify the construction issues that Gemcraft will address, and Gemcraft instructs the new homeowner in the care and maintenance of the home. To memorialize the walkthrough, Gemcraft and the homeowner complete an extensive Pre-settlement Orientation and Inspection Report ("Inspection Report") detailing the issues reviewed during the walkthrough. During the walkthrough, if repair items are observed either by Gemcraft or the homeowner, those items are noted on the Inspection Report. Gemcraft then makes the repairs and reviews the status of repairs with the homeowner.

Thirty days following occupation of the new home, the homeowner submits to Gemcraft a list of any open repair items. Gemcraft then addresses those items, working with the homeowner to complete repairs. A similar process occurs six months after the new home is occupied.

17. Please make a concise, yet comprehensive response to the enclosed Complaint of Discrimination.

Answer:

A. Discrimination Allegations.

Gemcraft denies any allegations of discrimination. No discrimination occurred.

B. Construction Issues

On April 26, 2006, Ms. Morgan participated in a pre-settlement walkthrough. The results of the walkthrough were memorialized in an Inspection Report of the same date. *See Exhibit D* (Inspection Report). Signifying her acceptance of the various items of work, Ms. Morgan initialed the list. Where a repair or additional work was necessary, the item was circled for follow-up completion. On April 28, 2006, Ms. Morgan and Gemcraft conducted a follow-up meeting to ensure that the circled items on the Inspection Report had been addressed. As evidenced by her initials within the circled items, Ms. Morgan was satisfied that those open items had been addressed.

Since that time, Gemcraft did learn of legitimate items that Gemcraft agrees need to be addressed. On Monday, October 23, 2006, Mr. Carey visited Ms. Morgan's residence to walk through the home and note any repairs requiring attention. On October 25, 2006, Mr. Carey wrote to Ms. Morgan, memorializing the list of repairs generated during the walkthrough. *See Exhibit E* (October 25, 2006 Letter from Mr. Carey). Mr. Carey requested that Ms. Morgan advise him of dates when Gemcraft could schedule repairs.

Ms. Morgan did not respond to Mr. Carey's October 25, 2006 letter. Mr. Carey left voicemail messages following up on his letter on October 26, 27, 30, and 31. Still, Ms. Morgan did not respond to Gemcraft's offers to repair problems in her home. Having received no response, Mr. Carey wrote a second letter on November 1, 2006. *See Exhibit F* (November 1, 2006 Letter from Mr. Carey). In this letter, Mr. Carey reiterated his request to schedule repairs to Ms. Morgan's home. Ms. Morgan did not respond to this letter either.

Gemcraft has attempted for months to work with Ms. Morgan to address the list of legitimate construction issues for which Gemcraft is responsible. However, Ms. Morgan has been unresponsive and has not permitted Gemcraft to make those repairs. Gemcraft stands ready to address these items.

C. Allegations of Mites

Ms. Morgan chiefly complains about mites. She alleges that mites have infested her house and her body. She alleges that the mites penetrate her skin through her bodily openings and that she now suffers from parasitic infestation. She has even claimed that the mites have morphed into inanimate objects, which, according to Ms. Morgan, is why the mites escape detection upon visual inspection. For weeks, until the motor burned out, she kept her central vacuum cleaner running 24 hours per day in an effort to remove the alleged mites.

The allegations have no merit. Although Gemcraft is not contractually or legally responsible for insects that may enter the home (no builder can be responsible in that regard), nevertheless, in an effort to work with Ms. Morgan, Gemcraft has been to the house on several occasions to see whether any evidence of mites can be detected. No one from Gemcraft has seen the mites. In fact, although Ms. Morgan hired two pest control companies, to Gemcraft's knowledge, the exterminators have not witnessed the mites.

Ms. Morgan has advised that she suffers from Lyme Disease. In an effort to support her claim of parasitic infestation, Ms. Morgan has submitted a letter from James Matthews, M.D. – a doctor from Gaithersburg, Maryland. *See Exhibit G* (February 21, 2007 Letter from James Matthews, M.D.); *see also Exhibit H* (October 5, 2006 Letter from James Matthews, M.D.). According to the letter, Dr. Matthews suggests that the house and Ms. Morgan are infested by mites.

These letters are highly suspicious. Dr. Matthews does not state that he ever inspected the house or that he observed the infestation. Also, the signatures on the letters bear no resemblance to the signature that appears on Dr. Matthews's website. *See Exhibit I* (printout of <http://www.familymedgaithersburg.com>).

Interestingly, Dr. Matthews' website contains substantial information about Lyme Disease. Dr. Matthews writes:

"Please keep a few other important points in mind:

- Lyme disease affects the nervous system directly and indirectly through the production of neurotoxins. **Many patients have had fatigue and poor sleep for years before presenting, and because of strange opportunistic skin infections, it is very easy to mistakenly diagnose them with delusions of parasites."**

See Exhibit I (emphasis added).

18. **Please state if others have made formal or informal allegations of discrimination against Gemcraft Homes or any of your employees within the last five (5) years.**

Answer: Gemcraft has sold thousands of homes in the mid-Atlantic region. During the course of the many years in which Gemcraft has been in business, untrue allegations of discrimination have been made. No court or agency has ever adjudicated or determined that Gemcraft has engaged in such conduct. To the best of Gemcraft's knowledge, the following allegations have been made:

A. John and Joanne Townsley v. Gemcraft Homes, Inc., et al. (State Human Relations Commission, State of Delaware Case No. S-H-1006-04): customers alleged that Gemcraft discriminated against them on the basis of the developmental disability of their adult son. The Commission dismissed the complaint on or about January 28, 2005, finding that no probable cause existed to believe a discriminatory housing practice had occurred.

B. Jesse L. Watson and Machel V. Johnson v. Chesapeake Mortgage Funding, LLC and Gemcraft Homes, Inc. (Maryland Commission on Human Relations, Charge #0612-0827): in an administrative complaint, Mr. Watson alleged racial discrimination; this matter is still pending. Gemcraft denies the allegations.

C. Sandra J. Barker v. Gemcraft Homes, Inc. (State Human Relations Commission, State of Delaware Case No. S-H-972-03) and James Jones and Larry D. Stern v. Gemcraft Homes, Inc. (State Human Relations Commission, State of Delaware Case No. S-H-970-03): in related cases, a realtor and two customers alleged

discrimination on the basis of the disability of one of the customers. The Barker complaint was withdrawn by the claimant on or about November 17, 2003. Delaware's Division of Human Relations dismissed the Jones complaint on or about November 17, 2003, for the claimant's failure to present *prima facie* evidence against Gemcraft.

19. Please have all parties involved provide a sworn or affirmed statement regarding the allegations of any involvement they have had with the Complainant, Patricia E. Morgan.

Answer: See the certifications below of Della Keyes and William A. Carey.

20. Please provide or suggest any other information that you feel would be helpful toward investigating this matter.

Answer: Gemcraft and Mr. Carey request that this Office conclude this investigation in favor of Gemcraft and Mr. Carey, and issue a finding of no discrimination.

AFFIRMATION

We solemnly affirm under the penalties of perjury and upon personal knowledge that answer no. 18 above represents our sworn statement in this matter.

3/20/07
Date

Della Keyes
Della Keyes, VP, Division Mgr.
for Gemcraft Homes, Inc.

3/20/07
Date

William A. Carey
William A. Carey, Production Manager
for Gemcraft Homes, Inc.

TINA FALLON
STATE REPRESENTATIVE
Thirty-Ninth District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Tourism, Vice-Chair
Appropriations
Economic Development,
Banking & Insurance
Joint Finance
Revenue & Finance

November 1, 2006

The Honorable Dale R. Dukes
28545 Dukes Lumber Road
Laurel, Delaware 19958

The Honorable Finley Jones
14028 Sussex Highway
Greenwood, Delaware 19950

The Honorable Lynn Rogers
306 Mulberry Street
Milton, Delaware 19968

The Honorable George Cole
RD 1 Box 207
Ocean View, Delaware 19970

The Honorable Vance Phillips
31479 Dogwood Lane
Laurel, Delaware 19958

Councilmen:

I have been contacted by Mrs. Patricia Morgan of The Pines at Seaford, 24531 Pine Bark Lane, Seaford, Delaware (628-3674) regarding the severe problems she is having with Gemcraft and her new home. Mr. and Mrs. Morgan purchased a Five hundred thousand plus dollar home from

Gemcraft last spring and have been having trouble getting them to respond to their issues to the detriment of her health.

Mrs. Morgan's home was to be finished in June of this year but was informed by Gemcraft that they would be finished with the house in April and that they would be able to move in early. I have enclosed a copy of the packet given to me by Mrs. Morgan for your review and information. Clearly, Mrs. Morgan has been treated quite badly by this company and what is making this even worse is the fact that the company will not live up to their part of the contract.

The house was turned over to Mrs. Morgan without the proper sealing and caulking around all windows and doorways. Mrs. Morgan states that you can look outside from inside and vice versa. The location of the home was not treated properly for termites and other pests. The house is now infested with termites and mites. These mites have also attacked Mrs. Morgan and her husband and have burrowed under their skin. She is having severe health problems due to this issue and even though her doctor has written to Gemcraft they refused to acknowledge the fact that they did not properly treat the land or properly construct the home.

This past weekend the heat was turned on which resulted in a call to the Fire Company, since fire shot up the chimney. The Fire Company responded and stated that the heating system as well as the stove had not been hooked up properly. The Fire Chief red tagged these areas and warned the Morgans not to attempt to turn anything on until a complete investigation of the house as to safety was conducted.

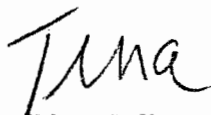
This may very well be my last official request, since I will be retiring as of November 8th from the House of Representatives. I am seeking help from all of you to help this new family to the Seaford area receive the help they need to have a safe and decent home in which to live. I am sure once you review the documentation provided and have a conversation with Mrs. Morgan that you will agree that Gemcraft has not lived up to their pledge of excellence and customer satisfaction.

Mr. Milligan of Code Enforcement has been to the home on several occasions and agrees that many code violations exist. I would urge you to

think twice before allowing Gemcraft to continue to build in Sussex County unless they provide the quality of work and product they pledge to deliver. I would urge each of you as County Officials to have this particular case investigated and the responsible parties taken to task. This house needs to be made right or torn down and the process started over again.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina", written in a cursive style.

Tina Fallon
39th District
State Representative

TF/mmd

Enclosures

cc: Mrs. Patricia Morgan



**RELIABLE HOME
INSPECTION SERVICE
100 OLD KENNETT ROAD
WILMINGTON, DE 19707
302-993-9100
302-993-0247**

Printed Saturday, September 30, 2006

Inspected By:
DANIEL EICHELBERGER

Referral Information
PHONE BOOK

Client Information: Record Number 29999

**MORGAN, PATRICIA
24531 PINE BARK LANE
SEAFORD, DE 19973**

Inspected 9/30/06 12:00 PM

FRONT VIEW OF HOME *PHOTO*



Inspection Report Details

Record 29999 - MORGAN, PATRICIA 24531 PINE BARK LANE, SEAFORD, DE 19973

EXTERIOR

Service and
Repair

EXTERIOR - General Comment

Bushes should be kept cut back from home. Several chalk line strings were noted hanging from several areas and should be removed. Some construction debris noted around home.

Satisfactory

Outside Outlets - Tested

Satisfactory

Type of Home - Frame, Brick Veneer, 2 Story

Service and
Repair

Exposed Foundation - Poured Concrete

Poorly finished areas, cracks, gaps noted.

Service and
Repair

Soffit\Fascia - Aluminum

Exposed wood at fascia/soffit area should be wrapped.

Satisfactory

Siding - Vinyl

Monitor/Maintain

Grading - Inadequate

Soil should be sloped away from house to improve drainage.

Sump pump drain line terminates to close to foundation, recommend adding a run off drain to drain to drain water further away from the foundation..

Service and
Repair

Masonry Walls - Brick

Poorly finished and missing mortar noted. Seal joint between brickwork and siding to prevent moisture penetration to the wood sheathing.

Service and
Repair

Trim Work - Wood

Some loose, peeling, flaking paint noted and should be repaired.

Major Defect

Entry Doors - Metal

Rust stains at sidelights are an indication of moisture entering door and should be evaluated and cause of leakage repaired by a qualified contractor.

Service and
Repair

Patio Doors - Sliding

Poorly sealed areas at sliding doors noted.

Service and
Repair

Window Character Material - Vinyl

Nails left in mortar at window frames should be removed.

Satisfactory

Window Character Type - Double Hung

Top sash is stationary.

Service and
Repair

Additional Windows - Mixed Windows

Condensation noted between panes of glass in basement window.

Satisfactory

Glass - Insulated

Record 29999 - MORGAN, PATRICIA 24531 PINE BARK LANE, SEAFORD, DE 19973

EXTERIOR**Satisfactory** Windows Storm\Screen - MFG Screens**Service and Repair** Weather Stripping - Rubber\Vinyl, Fiber\Felt

Poorly sealed areas at doors, garage door noted.

Service and Repair Caulking - Windows, Doors, Siding Ends

Poorly sealed areas noted, exposed wood at basement slider, missed areas and different colored caulks used along same seams noted.

GROUNDS**Satisfactory** Walks - Concrete**Service and Repair** Steps - Concrete

Cracks and some settlement noted. No footers noted, post are not dug in at rear wood steps,

Satisfactory Driveway - Asphalt**Service and Repair** Hand Rail - Wood, Steel

Wood rails are loose and should be secured.

GUTTERS**Monitor/Maintain** GUTTER SYSTEM - General Comment

Gutters should be cleaned regularly to prevent rot and roof damage.

Satisfactory Inspected From - Roof, Ladder, Ground**Satisfactory** Access Restricted - Not Restricted**Monitor/Maintain** Gutter Type - Aluminum

Gutters have debris in them and should be cleaned.

Satisfactory Downspout Type - Aluminum**Satisfactory** Sealed Downspouts - None**Monitor/Maintain** Splash Blocks - Plastic

Run off drains should be added. Run-off drains would carry water further away from foundation than splash blocks and are recommended.

ROOF**Satisfactory** How Inspected - Walk on Roof, Ladder

Record 29999 - MORGAN, PATRICIA 24531 PINE BARK LANE, SEAFORD, DE 19973

ROOF**Inspection
Definitions/Limitations****Roof Access Restricted - Not Restricted, Too Steep To Walk On**

Some portions of roof were very steep and could not be walked, these areas were inspected from other sections of the roof or from a ladder.

Satisfactory**Roof Style - Contemporary****Service and
Repair****Roof Covering - Fiberglass**

Unsealed and "popped nails" as well as some minor damage and loose improperly installed shingles noted and should be repaired.

Satisfactory**Approx. Age - 1 thru 5****Satisfactory****Number of Layers - 1****Satisfactory****Roof Ventilation System - Ridge, Soffit****Satisfactory****Flashing - Aluminum****Satisfactory****Plumbing Vents - PVC****Monitor/Maintain****Valleys - Other**

Debris (pine needles) in valleys will have to be cleaned periodically.

CHIMNEY**Satisfactory****Chimney Inspected From - Roof****Inspection
Definitions/Limitations****Access Restricted - Cap Installed**

Could not view interior of chimney due to cap, caps are not removed as part of the home inspection.

Satisfactory**Chimney 1 Type - Metal****Satisfactory****Chimney 1 Location - Main****Satisfactory****Chimney 2 Type - Vinyl Wrapped****Satisfactory****Chimney 2 Location - Fireplace****Satisfactory****Flue Lining - Metal**

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CHIMNEY**Satisfactory** Chimney Top - Metal**Satisfactory** Chimney Cap - Rain, Screen**COOLING****Satisfactory** Cooling System 1 Brand - Ruud**Satisfactory** Cooling System 1 Tonnage - 2.5 Ton**Satisfactory** Cooling System 1 Approx. Age - 1**Service and Repair** Cooling System Coils and Fins - Other

Unit should be leveled.

Satisfactory Cooling System Electrical - Ext. Disconnect**Satisfactory** Cooling Lines - Insulation**Major Defect** Condensate Drain - Plastic

Dain pan in attic area has water in it and condensate was noted dripping from lines and should be evaluated by a qualified HVAC contractor and all needed repairs made to prevent further damage to ceiling below unit. the secondary drain appears to run to the soffit or has a leak in the piping and should be evaluated further to ensure it is routed so that it will drain from home.

Satisfactory Differential Temp 1 - Details

Return temp =51 Supply temp = 75 Differential Temp = 24

Satisfactory Cooling System 2 Brand - Rudd**Satisfactory** Cooling System 2 Approx. Age - 1**Satisfactory** Cooling System 2 Tonnage - 3 Ton**Satisfactory** Differential Temp 2 - Details

Return temp = 78 Supply temp = 53 Differential temp = 25

GARAGE**Satisfactory** Garage Type - 2 Car Attached**Satisfactory** Garage Exterior Walls - Same as House

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GARAGE

- Satisfactory** Garage Electrical System - GFCI
- Satisfactory** Auto Garage Door Lift Controls - Auto Opener, Auto Safety Reverse, Electronic Eye
- Satisfactory** Garage Interior Walls - Unfinished, Drywall\Plaster
- Satisfactory** Garage Interior Ceiling - Drywall\Plaster, Unfinished
- Satisfactory** Garage Floor - Concrete

Monitor/Maintain Garage Doors - Overhead, Metal\Aluminum

Loose doorknob noted at access from home into garage.

ELECTRIC

- Satisfactory** Main Electrical Service - Underground Lateral Cable
- Satisfactory** Main Electrical Service Wire - Aluminum
- Satisfactory** Voltage Available - 110 / 220
- Satisfactory** Main Electrical Distribution Panel Accessibility - Typical
- Satisfactory** Main Electrical Distribution Panel Location - Basement
- Satisfactory** Main Electrical Disconnect - Breaker
- Satisfactory** Main Panel - 200, 2 Panel System
- Satisfactory** Interior House Wiring - Copper 90 percent
- Satisfactory** Type of House Wire - Romex
- Satisfactory** Grounding - Driven Rod
- Satisfactory** Breakers in Use - Other
Room for expansion.
- Satisfactory** Electrical Duplex Receptacles - 3 Slotted, Adequate

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PLUMBING

Satisfactory	Water Source - Private Well
Satisfactory	Municipal Main Supply Size - 3/4
Satisfactory	Municipal Main Supply Type - Plastic
Satisfactory	Main Water Shut Off - Basement
Satisfactory	Main Gas Valve - Outside Buried L.P tank.
Satisfactory	Interior Visible Water Pipes - CPVC
Inspection Definitions/Limitations	Waste System - Private Septic No test performed on septic system and is not a part of the home inspection.
Satisfactory	Interior Waste/Vent Pipes - PVC
Satisfactory	Number of Outside Spigots - 2
Satisfactory	Type of Outside Spigots - Frost Free
Satisfactory	Well Pump Type - Submersible
Satisfactory	Pump Location - Well Casing
Satisfactory	Well Pump Installation - Deep
Satisfactory	Supply Tank Type - Steel Tank Air Bladder
Satisfactory	Supply Tank Location - Basement
Inspection Definitions/Limitations	Ejector pump - Other Rough in for basement bathroom is present but not connected at time of inspection, inspection not possible.

W. HEATER

Satisfactory	Water Heater 1 Mfg. - Ruud
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W. HEATER

- | | |
|---------------------|---|
| Satisfactory | Water Heater 1 Rated BTU Per Hour - 40,000 + |
| Satisfactory | Water Heater 1 Approx. Age - 1 |
| Satisfactory | Water Heater 1 Size - 75 |
| Satisfactory | Water Heater Fuel - L.P. |
| Satisfactory | Water Heater Flue Pipe - PVC |
| Satisfactory | Water Heater Gas Piping - Valve On Off |
| Satisfactory | Water Heater Cold Water Valve - Present |
| Satisfactory | Temp. Pressure Relief Valve and Pipe - Present |
| Satisfactory | Water Heater Exterior Jacket - OK |

LAUNDRY

- | | |
|---------------------------|--|
| Service and Repair | LAUNDRY - General Comment |
| | Washer pan drain line is not connected to drain. |
| Satisfactory | Laundry Water Faucets - Gate Type |
| Satisfactory | Washer Drains - Trapped Line |
| Satisfactory | Dryer Vented - Wall |
| Satisfactory | Laundry Energy Source - 220 Electric |

FURNACE

- | | |
|---------------------|---|
| Satisfactory | Forced Air System 1 Mfg. - Ruud |
| Satisfactory | Forced Air System 1 BTU Per Hour - 75,000+ |
| Satisfactory | Forced Air System 1 Approx. Age - 1 |

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FURNACE**Satisfactory** Forced Air System Energy Source - Gas LP**Satisfactory** Hot Air System - Direct Drive**Satisfactory** Heat Exchanger Flame Pattern - Pass**Inspection
Definitions/Limitations** Heat Exchanger Visual - Pass

Even when great care is taken to inspect heat exchanger visual most of it is not accessible and some problems may not be visible.

Satisfactory Distribution System Type - Up Flow**Service and
Repair** Distribution System Material - Metal Duct, Insul. Flex Duct

Some poorly sealed areas noted.

Satisfactory Thermostat - Programmable**Satisfactory** Flue Piping - PVC**Satisfactory** Forced Air System 2 Mfg. - Rudd**Satisfactory** Forced Air System 2 Approx. Age - 1**Satisfactory** Forced Air System 2 BTU Per Hour - Other

Other = 60,000 BTU's

**Service and
Repair** Filter System - Disposable

Upstairs unit filter is wet and should be replaced.

BASEMENT**Satisfactory** Basement Type - Full Percent**Service and
Repair** Basement Access - Interior Stairs, Exterior Stairs

Basement drain cover partially covered with cement and should be cleared. Improperly squared doors noted.

Satisfactory Basement Foundation Walls - Poured Concrete**Satisfactory** Foundation Anchors - Anchor Straps

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BASEMENT**Safety Concern Basement Floor - Cement**

Poorly finished edge at crack/expansion joint is uneven. Uneven areas in floor present tripping hazard. Unused anchor should be removed from floor to prevent tripping hazard to occupant.

Satisfactory Basement Structural Columns - Steel**Major Defect Basement Structural Beams - Steel**

Ends of beams were encased in concrete and not totally visible, it appears that bricks may have been used as support for beam and there is less than 3 inches of bearing surface at base of stairs beam, Missing connection plate noted at beam joint. Recommend evaluation by a qualified structural engineer and all needed repairs made.

Service and Repair Basement Ceiling Sub Floor - Particle BD.

Damaged area in sub floor noted. Penetrations should be sealed.

Satisfactory Basement Ceiling Joist - 2X10X16 O.C.**Satisfactory Basement Insulation - Perimeter Walls, Sill Plates**

Insulation limits inspection.

Monitor/Maintain Basement Drainage - Sump Pump**KITCHEN****Service and Repair Kitchen Walls - Drywall**

Some poorly finished areas.

Service and Repair Kitchen Ceiling - Drywall

Some poorly finished areas noted.

Satisfactory Kitchen Floors - Ceramic Tile**Satisfactory Kitchen Heating Source - Central****Satisfactory Kitchen Cooling Source - Central****Satisfactory Kitchen Doors Windows - Tested****Service and Repair Kitchen Cabinets - Custom Wood**

Some loose hardware noted (Hinges). Some poorly finished areas noted.

Satisfactory Kitchen Sink - Stainless**Satisfactory Kitchen Sink Faucet - Single Lever**

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KITCHEN**Satisfactory** Kitchen Drain and Trap - PVC**Satisfactory** Garbage Disposal - None**Satisfactory** Dishwasher Approx. Age - 1**Satisfactory** Dishwasher Mfg. - Jenaire**Satisfactory** Trash Compactor - None**Satisfactory** Exhaust Fan Hood - Built in to Stove**Inspection
Definitions/Limitations** Range Oven - Drop In

Heat Devices are inspected on oven and ranges. Self-Cleaning devices however will not be inspected as part of the home inspection.

Satisfactory Surface Cook top - Gas**Satisfactory** Kitchen Wall Receptacles - GFI Protected**Satisfactory** Kitchen Switches Fixtures - Recessed**HALF BATH****Satisfactory** Half Bath Doors and Windows - Door Lock**Satisfactory** Half Bath Electric Switches and Fixtures - Wall**Satisfactory** Half Bath Receptacles - GFCI**Monitor/Maintain** Half Bath Walls and Ceilings - Drywall

Poorly finished areas noted

Satisfactory Half Bath Exhaust System - Elect Fan Outdoors**Satisfactory** Half Bath Heating and Cooling - Central**Satisfactory** Half Bath Sink Faucets - Single Lever

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HALF BATH**Satisfactory** Half Bath Sink Stopper - Push Pull**Satisfactory** Half Bath Sink Basin - Porcelain**Monitor/Maintain** Half Bath Sink Drain and Trap - PVC

Poorly finished area where piping goes through wall, escutcheon plate was too small and was cut to fit.

Satisfactory Toilet Bowl and Tank - 2 Piece, Anchored**Satisfactory** Toilet Operation - Flushes, Drains, Refills**Satisfactory** Half Bath Ventilation - Fan**Satisfactory** Half Bath Floor - Wood**Satisfactory** Number of Half Baths - 1**BATHROOM****Satisfactory** Bathroom Doors, Windows - Door Lock**Satisfactory** Bathroom Electric Switches and Fixtures - Ceiling, Wall**Satisfactory** Bathroom Receptacles - GFCI**Monitor/Maintain** Bathroom Walls and Ceilings - Tile, Drywall

Poorly finished areas noted.

**Inspection
Definitions/Limitations** Bathroom Exhaust System - Elec. Fan Outdoors

Sealed with tape and plastic at time of inspection

Satisfactory Bathroom Heating Cooling - Central Sys**Satisfactory** Bathroom Sink Faucets - Single Lever**Satisfactory** Bathroom Sink Stopper - Push Pull**Satisfactory** Bathroom Sink Basin - Cast Marble

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BATHROOM**Satisfactory** Bathroom Sink Drain and Trap - PVC**Satisfactory** Toilet Bowl and Tank - 2 Piece, Anchored**Satisfactory** Toilet Operation - Flushes, Drains, Refills**Satisfactory** Bathtub Faucets - Single Lever**Satisfactory** Bathtub Stopper - Pop Up**Satisfactory** Bath Showerhead - Standard**Monitor/Maintain** Seal Around Tub - Other

Recommend sealing around master and hall bath tub. (poorly sealed areas)

Satisfactory Tub Wall Encl. - Ceramic**Satisfactory** Bathroom Ventilation - Window, Fan**Monitor/Maintain** Bathroom Floor - Ceramic

Cracked, missing grout noted.

Monitor/Maintain Shower Stall Walls - Ceramic Tile

Some ceramic tile joints need caulking. Discoloration noted in shower floor.

Satisfactory Shower Drain - Floor Drain Stall**Satisfactory** Shower Faucets - Individual**Satisfactory** Number of Full Baths - 2**ATTIC****Safety Concern** Attic Entry Access - Pull Down Steps

No nails noted in corner/framing brackets as required by manufactures installation instructions.

Satisfactory Attic Access Location - Bedroom**Safety Concern** Attic Structural Framing Type - Trusses

Some mold/mildew noted on some structural surfaces and should be cleaned by qualified personnel. As mold and mildew are not part of the home inspection the client may decide to do further evaluation to determine the extent of the problem and cost of cleanup/repair.

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ATTIC**Satisfactory** Attic Structural Framing Spacing - 24 inches on Center**Satisfactory** Attic Sheathing - Particle Board**Satisfactory** Attic Floor Insulation - Fiberglass, Loose Fill**Satisfactory** Attic Insulation Thickness - 10 inches**Satisfactory** Attic Insulation Approx. R. Value - 30**Satisfactory** Attic Ventilation - Ridge, Soffit**Satisfactory** Attic Wiring - Exposed**Satisfactory** Attic Vent Pipes - Vented Outside**Satisfactory** Attic Exhaust - Vents Outside**Satisfactory** Attic Chimney Flues - Metal**INTERIOR****Monitor/Maintain** Interior Fire Place 1 - Heatalator

Poorly finished areas noted.

Bushings should be installed around gas and electric line where they pass through housing to prevent chaffing.

Satisfactory Interior Cabinets and Shelving - Accessible**Satisfactory** Interior Fixtures - Properly Wired**Service and Repair** Interior Floors - Wood

Poorly finished, some damage areas noted. Gaps noted in molding between flooring and molding.

Monitor/Maintain Interior Walls - Dry Wall

Common drywall flaws and poorly finished areas noted.

Satisfactory Interior Rooms - Living Room, Family Room, Dining Room, Hallway Entry**Service and Repair** INTERIOR ROOMS - General Comment

Cracked door frame and crack in threshold noted.

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INTERIOR

Safety Concern**Stairways - With Hand Railings**

Loose hardware and improper space noted between wall column and baluster (4+ inches), loose balusters noted and should be repaired. poorly finished areas noted, missing caps, exposed nail heads missing stain in some areas.

Major Defect**Interior Ceilings - Dry Wall**

Common drywall flaws and poorly finished areas noted.

Water stains (wet with moisture meter) from overflowing condensate drain pan noted and should be repaired.

Satisfactory**Interior Fire Place 2 - Heatalator****Satisfactory****Interior Heat Source - Tested****Monitor/Maintain****Smoke Detectors - One On Each Level**

Smoke alarms should be tested on a regular basis.

Monitor/Maintain**Interior Outlets - Three Prong Grounded**

Some separation noted between wall and cover.

Satisfactory**Interior Cooling Source - Tested****Satisfactory****Interior Switches - Tested****Satisfactory****Number of Bedrooms - 4****Service and Repair****Closets - Doors in Place**

Some detents are not properly seated or installed. Poorly finished areas noted in some closets.

Major Defect**Windows - Operated**

Cracked window frames noted and should be replaced.

Satisfactory**GFCI Rest - Reset**

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INSPECTION DEFINITIONS/LIMITATIONS

Inspection Definitions/Limitations

Inspection Definition/Limitation - Information

DEFINITION/LIMITATION

INSPECTION DEFINITION/LIMITATION

Report Definitions/Limitations - Definitions of inspection opinions or areas that the inspection is limited.

Satisfactory - An item in normal operation, or serviceable condition, but may show normal wear.

Monitor/Maintain - An item that will require immediate maintenance and should be carefully monitored to avoid larger problems.

Service/Repair - An item in need of repair or maintenance, the expected cost of which should be at a level less than that of a major defect, at the time of inspection. Also noted, may be some inaccessible items or items not working.

Safety Concern - An item that affects the safety of the occupants of the home, and is in need of immediate repair.

Major Defect - An item that is currently broken and will have a substantial monetary value to repair, or needs evaluation to determine the cost of a likely expensive repair.

Home inspectors are generalist and are not experts in any specific field, and further evaluations are often needed. Qualified experts should be chosen carefully, and should be allowed to thoroughly inspect the entire suspect system and not be limited to specific areas sighted in the home inspection. Throughout this report, the age of the appliances, roofs, etc. if stated, are approximate. It is not possible to be exact, but an effort is made to be as accurate as possible based on the visible evidence where accessible. When any item in the report is reported to be "Satisfactory", the meaning is that it should give generally satisfactory service within the limits of its age and any defects or current problems noted during the inspection. Please read the information printed on each page and call us for an explanation of any aspect of the report that you do not fully understand. Once you have settled on the inspected property, please call our office with any questions related to the home or its maintenance for the time that you own the property. The "Whole House Inspection" is conducted according to the standards set by The American Society of Home Inspectors (ASHI) for the purpose of identifying major deficiencies that might effect your decision whether to purchase. Unfortunately, we cannot take away all the risks of home ownership. Although Service/Repair items may be mentioned, this report does not attempt to list them all. It is important for you to understand exactly what your professional inspector is able to do for you, and what the limitations are in his inspection. The inspection is of readily accessible areas of the building and is limited to visual observations only. The inspector may not move furniture and personal property or dismantle any appliances aside from removing covers on heaters, electrical panels etc. An inspection is intended to assist in evaluating the overall condition of a building and its components based on observations of the apparent condition the date of the inspection. The results of this home inspection are not intended to make any representation regarding latent or concealed defects that may exist. Your home inspector is not a licensed structural engineer or other contractor whose license authorizes the rendering of a technical analysis of the structural integrity of a building or its other component parts. You may be advised to seek a licensed engineer or contractor's opinion as to any defects or concerns mentioned in this report. This report is not a guarantee or warranty, expressed or implied. There are warranty programs that may be obtained to insure you against failure of some of the major systems of the house. These warranties do not, however, cover all the inspected items included in the report, and you should read the documents provided with these warranty programs carefully. Home buyers, after occupying the home, sometimes overlook important information and warnings contained in their reports. This can result in failure of equipment or other damage, which could have been prevented if the inspector's advice, and recommendations had been followed. It is important for the client to attend the inspection. The report is a fine tool, but does not replace the opportunity to ask questions directly and every effort should be made to attend the inspection. After occupancy, all homes will have some defects that may not be identified in the inspection report. If a problem occurs of which you feel our inspectors' report did not give you sufficient warning, call our office. A phone consultation may be helpful to you in deciding what corrective measures to take, and the inspector may be able to advise you in assessing proposals offered by contractors for correcting the problem. Please consult your inspector before you engage a contractor to examine or correct possible defects. Unless prior consultation occurs, we cannot assist you further.

CONTACT LOG and ADDENDUM:

- May 30th : One carpet installer (Julio) came for stairway – did not complete work
Steve brought the exterminator who made an appointment for 6-6-06
to apply pesticides on the inside and outside of house.
- May 31st : No one showed up for completion of carpet work or any other tasks
Called Traci Brown at Model Home to have her contact Steve. No contact made
with him this day.
- June 5th The carpet installer (Julio) returned to complete his work on the front stair carpet
- June 6th : Exterminator came at 11:30a.m. We left the house at 12:15 to give him four (4)
hours in which to complete the chemical application.
- June 7th : A Plumber showed up around 2:00p.m. to change the sink pedestal – he said that
he would return on June 8 in the a.m. to change both the sink and toilet on the first
floor.
- June 14 Mr. Adams came at 10:am to look over the problems noted on the “30-Day List.”
Two workers began cleaning the outside window frames and brick facing.
- June 15 A carpenter came at 8:15am to place weather strip on the front & kitchen doors;
he will schedule a return visit to adjust three doors (i.e., front, kitchen & garage).
- July 6 Phoned Mr. Adams at 11:15a.m. with regard to the need to have the house
properly caulked to prevent springtails mites from continuing to enter the house.
- July 11 Contacted the office regarding the need to caulk exterior portions of the house –
spoke with John (the Site Manager) who said he would talk with his boss. There
has been no response yet.
There is bulging in the sheet-rock above the family room fire place; and gashes in
the walls throughout the house. The kitchen cabinets are not secured properly to
the walls: there are significant gaps between the backs of the cabinets and the
walls.
- July 12 A crew is laying down new sod for the front portion of the house.
(for the next few days, the sod is being stressed due to the extreme heat!!!)
- July 17 Went to the GemCraft office and spoke with Barbara Moses
- July 18 Called the GemCraft office to talk again with Barbara – Ken spoke with us on the
phone and said that he would contact Mr.Adams about the need for caulking and
addressing the items to be completed on the “30-Day List.”
Mr. Adams & Ken promised to be here at the house tomorrow (July 19) at 10:a.m.
- July 18 Called the air conditioning company about water on the upstairs ceiling that
appears to be coming from the air conditioning unit.
A technician (Chad) arrived at 6:00p.m. to examine the unit in the attic: he needed
to tighten the drain pan pipe.
- July 19 Mr. Adams, Ken and John Shelton (the site manager) came at 11:a.m. to again
review the items on the original “30-Day List.”
- July 20 Site Manager came at 8:45a.m. with a worker to inspect and take pictures of the
stair rails and banisters. We were told that we would be contacted regarding the
damage he examined – and would be scheduled for repair of the rails.

- July 21 At 10:a.m. the ceramic tile installer came to see what needed repair in the second floor bathrooms. He'll have to get matching tile to repair 2nd floor bathroom; he smeared some grout on the shower area, but did not repair the uneven work.
- Aug 1 The site manager (John Shelton) and a handyman came to check out items on the "30-Day List" and to do caulking. The caulking had already been done by us on the inside of the house -- the two left after seeing what we had done and stating that the tile company would have to come and re-do the caulking in the master bedroom shower. In the afternoon, a plumber came in to check out the washing machine emergency drain pipe attachment. He indicated he would return the next day with the pipe fitting .
- Aug 2 The site manager (John) did not show up at 11:a.m. as he has scheduled. Although we were in the house, we heard no one ring the bell or knock: there was a note on the door from the plumber saying he had been here and would reschedule to attach the drain pipe to the washing machine floor pan.
- Aug 24 Called Bob Adams at 12:30p.m. (628-7650) to complain about the fact that promised work had not been done; he said he would look up the records and call back.
- Called Mr. Adams back at 2:50p.m. Got him on the phone; he had not attempted to call me back; he indicated that the new site manager (Charles Reison) would contact us on Monday to install the windows and (again) address the "30-Day List" of work to be done.**
- Aug 24 Also called Lane Carpet (410-677-0420 att Josh) regarding the carpet, ceramic tile in master bathroom, and hardwood flooring in need of replacement. Told to expect a return call. Also left a message with Kim Walters at Fireside Hearth and Home regarding the damaged slate around the master bedroom fireplace.
- Aug 25 Kim Walters (Fireside Hearth) left a message. Returned her call at 3:30pm.
- Aug 28 (Mon) **Did not** receive a call from the Site Manager as Mr. Adams promised
- Aug 29 Called the Gem Craft Office – spoke to Michelle to ask her to give the Site Manager a message from us that he was supposed to call/contact us yesterday. There has been **no return call from the Site Manager** as of 6:10p.m. today.
- Aug 30 It is 4:45p.m. and the Site Manager (Charles) has still not contacted us about window replacement or the "30-Day List."
- Sept 2 (Saturday) No one contacted us from the Gem Craft Office during the past week
- Sept 6 Called Mr. Adams twice today (1:00p.m. and 3:25p.m.) – there has been no return call. At 4:40p.m., he returned my earlier calls; said the Site Manager would call – if not today – tomorrow!

- Sept 6 The air conditioning company representative returned my earlier call – he sent over one of his co-workers to replace a water-damaged filter in the attic equipment.
- Sept 11 Called Mr. Adams at 3:44p.m. (left a message on his answering system) to state that the Site Manager has still not contacted us.
- Sept 18 Met with Attorney John S. Grady in Dover, DE concerning property damage.
- Sept 20 Hand delivered warranty repair list to Gemcraft Office at 5:00p.m.
- Oct 3 Called the plumber to report sound of escaping gas from master bathroom sinks.
- Oct 12 Received a call from Dwayne (regarding the stair railings) at 11:05a.m. He said that he would come by tomorrow at 10:a.m. to measure the stair railings to see if he had enough material to repair the damage done in the initial installation. The same individual had also called a week and a half ago.
- Oct 13 Dwayne did come today with an installer; they measured; supplies must be ordered.
- Oct 19 Mark Volesenski (443-497-0988 - Service Manager for the heating/air conditioning system) called about the attic system. He indicated that it may have to go through the warranty process; he wants to be kept informed about the requested repairs.
- Oct 19 Returned call from L&L Carper on 10-18-16. Now awaiting return call from Andy.
- Oct 19 Steve from L&L Carpet called at 1:45p.m. to find out what problems there were with the flooring and carpeting -- said that he would pull our records and call tomorrow.
- Oct 20 Mike from Red Steel HVAC came around 11:a.m. He glued a pipe joint for the overflow from the attic system; he will have someone do a further check of the system's drain pan to see if it is the source of leaking; and, he will cut a hole for the emergency overflow pipe which now exits behind the siding at the rear of the house.
- Oct 20 Called Congressman Michael Castle's office to complain about the lack of response and. A return call came from Ian Stevenson (a staffer).
- Oct 23 Went to the State Dept of Agriculture in Dover, and met with Randolph Ciurlino (Asst Plant Industries Administrator). He identified insects on paper blinds we brought from the house windows.
- Oct 23 Called the Governor's Office. A return call came from Blain Breeding advising us to contact Van Milligan (Building Code Chief Inspector) and State Attorney's Office.
- Oct 23 Called State Rep Eleanor Hughes who will be investigating our case regarding problems with Gemcraft.

Oct 23 One of the managers from Gemcraft is scheduled to come to the house around 11:a.m. today. Later on this afternoon, a contractor is scheduled to come to look over the house and give an estimate for needed repairs that have not been handled by Gemcraft.

William Carey (B.J) did come to the house at 10:50a.m. to look over the items we had listed on both the "30-Day List" and the "Final Post Settlement Warranty List." We e-mailed him a copy of the Reliable Home Inspection report. His e-mail: BCarey@gemcrafthomes.com

Oct 23 Mr. Van W. Milligan (chief Inspector for Sussex county Building code Dept) came around 2:00p.m. to walk through the house and examine the problems addressed by the home inspector's report. Mr. Milligan was given a copy of the home inspection report on Oct 25th when he came back to the house to pick it up.

Oct 24 Went to the Gemcraft Office to hand B.J. Carey the bill from Schagrin Gas for replacement of a broken gas tank dome which Gemcraft site manager (Steve Moses, said would be taken care of by Gemcraft during the summer. Mr. Carey said that the matter would have to be "looked into." He made a copy of the bill and gave us back the original.

Oct 25 Mr. Milligan came by the house this afternoon to pick up a cd copy of the home inspection report.

Oct 25 Called Gemcraft office and spoke with B.J. Carey regarding materials that Gemcraft promised would be faxed to us. That fax and those materials have not been received

We are still waiting for work to be completed according to the "30-Day List" which was handed in on the 11th of May and the "Final Post Settlement Warranty List" handed in on September 20, 2006.

Oct 25 Spoke with Sheri at Columbia Pest Control (410-730-6648) to see if they had exterminated for termites here at the house. She indicated they only put down a spray as a barrier before the foundation was poured. She made it clear that they do not do treatment of problems, the company only puts down a barrier. Mr. Adams and Mr. Carey had **indicated that the entire property was treated** against termites.

Oct 25 Spoke to Michelle at 10:55a.m. and asked for a copy of the termite treatment work order/contract Gemcraft has with Columbia Pest Control. The material was not faxed as she indicated she would do.

Oct 25 Spoke with Cheryl Kover at the State Attorney's Office to tell her that a package of material regarding our complaints would be hand delivered to the Attorney's Office tomorrow (Oct 26).

Oct 27 Went to the Attorney General's Office in Georgetown to file the complaint and drop off package of information *re* the construction problems associated with Gemcraft.

Oct 27 Had to call the fire department after seeing the fireplace in the family room flaming up high and then dropping down almost turning itself off before rising up again several times. The pattern began after turning on the house heating system. The Fire Department responded at approximately 5:15p.m. and, after determining that there could be a problem in the gas line, asked us to call the gas company (or whoever installed the fireplace) to have it checked out immediately this evening! I called the gas company at 6:10 and asked for emergency service this evening – as per the recommendation of the fire marshal.

At 6:55p.m. the gas company called – they will attempt to get someone out here to check the gas line.

Oct 27 Jamie Locklear from Schagrin Gas came to check out the fireplace. He also checked the stove top: he “red tagged” both. He will send us a report from his inspection.

Oct 27 A complaint was filed with the Seaford Police Department. Trooper Hrupsa took the complaint. The complaint is **# 05 “06” 49990.**

Oct 28 Curt Purse from the Seaford Volunteer Fire Dept. came to drop off the incident report. He recommended that we not use the fireplace, stove or the heating system until everything is checked by the appropriate service personnel.

Oct 29 Trooper Hrupsa came this evening to pick up documents pertaining to the complaint

Oct 30 At 10:30a.m., called Schagrin Gas about the written report from the emergency service call of 10/27. Michael, from their service department, will call us back.

CALL & CONTACT LOG update

Mon March 12, 2007: an employee (John) from ACCURATE PEST CONTROL came this a.m. in response to our call to the company to inspect the house for the presence of mites.

Tues March 13: Called Attorney Logombardi to inform him that ACCURATE had sent an employee yesterday. Also asked for his opinion of the Alpha Engineering Company.

March 12 to 15: hospitalization at Nanticoke Memorial via emergency room.

April : emergency room care at Johns Hopkins in Baltimore.

Patricia Morgan
24531 Pine Bark Lane
Seaford, DE 19973
(302)628-3674

(page 1 of 4)

October 26, 2006

Ms. Cheryl B. Kover
Intake Investigator

RE: Gemcraft Homes
FILE No. CAS-145955

Dear Ms. Kover,

This package contains documented reports, and contacts:

1. Reliable Home Inspection Service (CD)
2. 30-Day list of repairs give to Gemcraft
3. Final Post Settlement Warranty List given to Gemcraft
4. List of dates and times of contacts to Gemcraft
5. Copy of Pest Control Service (*Accurate Termite and Pest Control; Royal Pest Control*)
6. List of Government Agencies contacted
7. Note from my doctor, list of medications due to mite infestation, and receipts
8. Receipts for caulking, paint (for basement stairs & storage area) insect spray, etc.
9. List of issues that Gemcraft has or will not address

On April 28, 2006 I met Steve Moses (the first of three site managers I dealt with) for the final walk-thru prior to settlement. I indicated to him, at that time, that there were issues which demanded at-tension: i.e., water and mud over the entire basement floor (from what he said was the result of a power washing) the basement door was left open , and trees they cut down piled approximately 6 feet high, 25feet from the back door. He stated that those and a few other issues would be resolved by the time I returned from settlement – which was not the case. Those conditions (open doors and water, along with finding out that there are cracks in the foundation) are a breeding ground for termites and mites which affect me.

There was water coming down under the siding, which we discovered was from a drain pipe behind the siding. This same drain pipe caused water to leak onto the ceiling of the upstairs catwalk caused by an improperly installed drain pipe in the attic heating-cooling system. After waiting five months for to remove the trees, a family member came to help us move them because of snakes and mice seen under and around the pile of tree debris. It took a week to move the pile.

On May 1, 2006, I informed Steve Moses that I felt and saw bugs in the house and they needed to find out how they (bugs) were getting in, and reminded him about the mud and water in the basement. He told me he would take care of it. After a week no one came to clean up the basement we had to clean it ourselves. We kept telling Steve that the bugs,

(Morgan: page 2 of 4)

seen and unseen, were beginning to take over the house, and I could not handle the bugs because I have Lyme Disease.

On June 6, 2006 Gemcraft had a man come to exterminate my house. He told us we had to leave the house and come back in four hours. A neighbor mentioned that ten minutes after we let, he left. How can you exterminate a house almost 4000 sq. ft. in ten minutes and, even if he had exterminated properly, the problem would not have been resolved because there are too many openings for the mites to continue to come in (e.g., cracks in the foundation, windows not sealed, absence of weather strip in door...), all entry doors improperly installed, ceiling still wet (causing mold and mildew in the attic, and possibly behind the siding.

Gemcraft finally sent a man from their service department to put weather stripping in the doors (were not the correct type for doors) he stated that all of the doors needed to be adjusted. I asked when they were going to adjust them; he stated he did not know. It's been four months and the doors still have not been adjusted. We have tape around all the doors, windows, and baseboards trying to keep the mites out, but to no avail.

Gemcraft does not want to take responsibility for the infestation or my medical condition.

On Monday October 23, 2006 William Carey (Production Manager for Gemcraft) came to my home to see what repairs needed to be done. Gemcraft had already received a "30-day" and a "6 month list" from me. This was the third visit to my home. Mr. Robert Adams (former Service Manager) had come twice before, claiming he was going to put my house back under construction but to no avail.

I tried to show Mr. Carey the scars and open wounds from the mite bites on my neck, face, ears, and the white flies and lava bugs laying on the floors, and tables throughout the house. I stated that these mites are in our clothes, in our bed, on all of the furniture, in the refrigerator, and our vehicle is infested. We can't sit down to eat without them falling on the table, and into our food. I indicated that we cannot put on any clothing or sleep on our bed linen until we first put them in the dryer and, even after that, they still get on us. My Husband has also had to deal with mites getting under his skin which caused two open flesh wounds on his back. We showed the open wounds to Mr. Adams (former Service Manager) when he came to our house on June 14th, 2006. We took pictures of the open wounds and scars left on us after they healed. To date, I am still suffering with open wounds. We can't put up curtains (we use paper blinds and change them when they become infested); we can't even take a shower without mites biting us.

We have to vacuum and use the heat from the blow dryer on ourselves and the dog at least every two hours to get some relief from the mites. We have purchased spray, caulking etc., three vacuums (for upstairs, downstairs and our bedroom) to draw the flying mites out of the air – the vacuums run almost 24 hours a day. I had Gemcraft to install a central vacuum, but it was installed improperly, the noise from the vacuum could be heard throughout the community. I did not know that the noise was that loud until a neighbor in the community behind me knocked on the back door to ask me what the loud noise was that was coming from my house. I found out it was the central vacuum system. I felt so embarrassed. A call was made to Gemcraft to find out who installed the central

vacuum -- their response was they did not know but would find out and call us back. There has been no return call.

(Morgan: page 3 of 4)

I have inhaled so many mites that I am now seriously ill and, under Doctor's care, I am on multiple medications. The mites are in my intestine and saliva, which makes it difficult to swallow. I have lost a lot of weight and am losing my hair. When these mites attach to my skin, my husband has to pull them off with tweezers. We are up until three or four o'clock every morning fighting mites until we're exhausted.

B.J. Carey (the Gemcraft Production Manager) stated that if I called his office about the mites, and bugs coming into my house, I would not get a return call. I explained to him that (1) the basement floor was covered with water and mud when I returned from settlement, (2) Gemcraft had left the weather strips off of the front door; we did not realized this for two months; (3) the sidelights on each side of the front door had not been sealed; (4) that the wrong type of weather strip was put on all the entry doors; (5) none of the entry doors had been properly adjusted ; (6) that the windows were put in with no window casing and that some do not lock and a couple had cracked frames.

Mr. Carey stated that in order to get window casings you had to have paid for upgraded Anderson Windows, **which I was not informed of when I talked to the agent about upgrades**. My reply to him was that they put window casings in project housing, and I paid over \$500,000 for **this** house. What, then, did I pay for? I also asked when they were going to clear, clean the sand and debris, level and sod my back yard. BJ Carey stated it was my responsibility to have that done, they were not going to do anything in the backyard because code states they don't have to because my septic tank is in the front. If it was in the backyard like all the other neighbors then they would have to clear and clean the back area.

I then asked BJ Carey if they were going to repair the walls that are damaged; he looked around at the walls and stated, "AS A RULE OF THUMB, IF WE STAND IN THE MIDDLE OF A ROOM AND IF WE CAN'T SEE THE DAMAGE WE DON'T FIX IT." I didn't like the way he spoke to me because he had arrogance in his voice as if I were beneath him.

I called the company that installed the floors and also told B.J. Carey that I did not get all of the upgraded carpet. I paid for upgrade carpeting for the entire upstairs and both sets of stairs and I only got upgrade on the front stairs. The rest was standard. My kitchen cabinets are supposed to be **oak**; I got oak doors and drawers and plywood frames. Carey stated that he has nothing to do with that and that I need to contact the sales department. He stated that there must have been some misunderstanding between me and them. There was no misunderstanding; they knew exactly what they were doing.

However, once you see the Home Inspection report you will understand why I feel they are responsible for the mite infestation in my house, my medical condition and (all medical cost etc.) as well as restitution for pain and suffering.

On October 25, 2006 BJ Carey called to inform me that he was e-mailing the repair list (see attached) of items they will fix. The repair list is unsatisfactory. There are a number

of repairs pointed out on the home inspection report that were not addressed, along with the other issues addressed in this report.

(Morgan: page 4 of 4)

I have come to the conclusion that Gemcraft will not give me what I paid for until they are forced, by an agency that has authority over their crafty dealings, or a court of law. I've gone as far as calling the CEO's office twice to get his e-mail address in hope that he would address my issues. However his secretary told me that his E-MAIL ADDRESS IS PRIVATE AND COULD NOT BE GIVEN OUT BECAUSE HE NEEDED HIS PRIVACY.

One would think a company such as this would deal with a consumer with honesty and integrity. Gemcraft has done neither.

I feel I have been discriminated against because I am African American. I am seeking restitution. I have retained legal counsel. My attorney's name is John S. Grady

6 North Bradford St.
Dover Delaware 19904
Ph: 302-678-1265

Thank you for your assistance in this matter.

Sincerely,

Patricia Morgan

(COPY OF LETTER SENT TO A REPRESENTATIVE OF
THE NAACP (National Association for the Advancement of Colored People).

Patricia E. Morgan
24531 Pine Bark Lane
Seaford, DE 19973
302-628-3674 (cell: 301-404-1362)

April 10, 2007

Dear Rev. Brooks,

Thank you for the concern and interest you expressed in our phone conversation. As you suggested, I am sending a package of the materials which are relevant to my situation with Gemcraft Homes.

1. Reliable Home Inspection Service (CD)
2. 30-Day list of repairs given to Gemcraft
3. Final Post Settlement Warranty List given to Gemcraft
4. List of dates and times of contacts with Gemcraft
5. Copy of Pest Control Service (*Accurate Termite and Pest Control; Royal Pest Control*)
6. List of Government Agencies contacted
7. Notes from my doctor
8. Receipts for expenses including receipts for hotel stay, vacuum cleaners, air purifier etc.
9. List of issues that Gemcraft chose to address based on my home inspection report
10. Mold Inspection Report
11. Department of Agriculture Report on findings from soil samples
12. Report from Columbia Pest Control (Soil Treatment for Gemcraft)
13. Discrimination charge against Gemcraft filed by Division of Human Relations
Invitation for No Fault Settlement from Gemcraft Attorney (David Shuster)
14. Structural Engineer Report
15. Email response from the Real Estate Commission response to my complaint
16. Questions responded to by Gemcraft from Human Relations Commission
17. Case number for complaint filed with the Seaford Police Department
18. Fire Department Incident Report
19. Report from Building Code (Chief Inspector) Van Milligan

On April 26, 2006 I met Steve Moses (Site manager no longer with Gemcraft) for the walk-thru. Upon my arrival he indicated that he found some problems that would be taken care of immediately. He then showed me stain in the carpet (I felt suspicious about the quality & color), the fireplace in master bedroom, etc. All that, he assured me, would be taken care of immediately. I indicated to him, at that time, that there were other issues which demanded attention: i.e., water and mud over the entire basement floor (from what he said was the result of a power washing), the basement door being left open, and trees they cut down piled approximately 6 feet high and 25 feet from the

back door. He stated that those, and a few other issues, would be addressed immediately. I also told Mr. Moses that the water in the basement was a concern for me and we might have a problem. He stated that if there was a problem they would take care of it.

On April 28, 2006, before settlement, I met Steve Moses again for a walk thru. He stated that he had a crew coming to fix the problems and they would be completed by the time I returned from settlement. He also stated if I found any other problems he advised me to start a thirty day list. He asked me to initial the inspection report and promised everything would be completed when I returned from settlement – which was not the case. Both times I came for walk thru I felt something biting me but I thought some type bugs got into the house because they had the basement door open (the screen was not pulled to keep bugs from coming into the house) and I could spray and be rid of them – that was not the case. However I have documentation stating that there are two types of mold spores and high levels of cellulose fiber in and out side of my house, however I don't agree with the spore count because the vacuums were running drawing the spores out of the air. I also have documentation that Gemcraft did not treat the soil properly according to the results from soil samples tested by the Department of Agriculture. (See attached)

Those conditions (open doors and water, along with finding out that there are cracks in the foundation) are a breeding ground for mites, mold spores and mold which has affect my health. (See Home Inspection Report)

I moved into the house on Saturday April 29, 2006. I brought Insect Defoggers and set them off in every room in the house including the basement but to no avail.

On Monday May 01, 2006 I informed Mr. Moses that there was something biting me in the house and they needed to find out what it was before it took over the house.

After attempting numerous times by phone, visits to their office, notes, etc., Mr. Robert Adams (Service Manager) visits to my house making false promises, and William J. Carey's (BJ) (Production Manager) visit to my house (Oct. 23, 2006) Speaking to me with arrogance in his voice as though I was beneath him I felt the only option I had left was to file a complaint. The chief inspector for the Building Code Department (Van Milligan) also came to my house on Oct.23, 2006 after BJ Carey left. This was his (Van Milligan) first of five visits to my house.

Two of the several questions I asked Mr. Carey and his responses were:

1. Question: Who did the home inspection?

Response: We don't do home inspections, we give it to the state and it's their responsibility to do them.

Mr. Milligan's response to Mr. Carey's statement was "He (BJ Carey) told you a lie, it's not our responsibility to do their home inspections. He also stated that the materials and workmanship are of poor quality.

The last time Mr. Milligan came to my house, he called prior to coming and said he check the computer to see if my certificate of occupancy was in the system, and it was not there but he would check to see if he could find it. He also stated he would come to my house to see if there was a termite shield on the foundation. When Mr. Milligan arrived he said he found my certificate of occupancy filed somewhere else under another

name. He checked to see if there was a shield on the foundation, and there was none. I received a copy of his report, but there was no mention of the termite shield not being on the foundation or the poor quality of materials and workmanship. I called Mr. Milligan to ask him why he did not put these facts in his report he said he spoke with Gemcraft and they said that code states "THEY DON'T HAVE TO PUT A SHIELD ON THE FOUNDATION IF THE SOIL HAS BEEN TREATED". Mr. Milligan then ended the conversation stating he could no longer talk with me concerning my problems with Gemcraft, all correspondence would have to be put in writing and given to Gemcraft lawyer's first.

2. Question: What Pest Control Company treated the soil?

Response: Columbia Pest Control.

I called Columbia and spoke with Sherry who stated "We don't do soil treatment for Gemcraft per say we only SPRAY A BARRIER IN THE HOLE". I then asked Sherry to fax me a copy of the soil treatment report; she stated I would have to get it from Gemcraft. Attached are results of soil sample test from the Dept. Of Agriculture, which proves the soil was not treated properly. Gemcraft CHARGED me for this treatment on my settlement statement.

My first call was to the Governor's office and I was told someone would call me back. When I spoke with his liaison I told him the problems I'm having and Gemcraft was the builder, before I could finish he told me they could not help me and hung-up.

I have called and filed my complaint with every agency in Delaware that would accept it, from the Governor's Office to the Seaford Police Department. I also received a call from the NAACP - to no avail. MRA (Homeowners Assn) sent letters threatening to take legal action against me for putting signs in my yard about Gemcraft's unwillingness to address the poor quality of work and not paying the association fee. But I have not received a return phone call from MRA after leaving a message in November with their receptionist for Erika Grden (Property Manager) to call me to see if they could assist me with the problems I am having with this house. Judy Hodas called me in November from the Attorney General's Office in Wilmington, and said they could not help me because Gemcraft got their lawyers involved and they could not speak to them directly.

I gave a copy of my complaint to Molly Murray (Staff Reporter) at The News Journal and called WBOC NEWS - to no avail. The only favorable response I received was from Tina Fallon (State Representative) dated November 1, 2006 who sent a copy of my complaint to five Councilmen in this county. I have not received a phone call or letter from one of them to date. I also called the Better Business Bureau and was told because I filed my complaint with the Attorney General's Office they could not file my complaint.

Because of my deteriorating health, I have hired a Structural Engineer and a Home Inspector to determine the integrity of this house (Reports Attached). I was contacted by Dr. Lyellen of The Public Health Department in November 2006. I had talked with him several times and expressed the problems I have with this house and my health. Dr. Rick Perkins and an associate from Public Health Department came to test the air quality in the house on March 21, 2006, stated that the mold in the attic was "NORMAL MOLD AND THE ODOR IN THE BASEMENT WAS A CEMENT SMELL". I

I have hired two pest control companies who inspected and exterminated the house and property for termites, biting mites and insects. Signs of termites and other insects were discovered in this new home. By way of follow up, March 12, 2007 I called asked the Accurate Pest Control Company to come again to examine the house to see if they could identify the black, grayish white, brown and yellow particles that looked like dried mold and write a report. I explained that these particles were constantly on all of the furniture, on the floors, counter tops, in the bed, in my clothing, hair, ears, underwear crawling into my private parts, getting into the refrigerator, the oven, and even infested my truck, and I have lesions and scars from lesions where microscopic mites or spores that I cannot not see have bored under my skin.

The company representative arrived (John) stated he would be over within the next hour. When he arrived I was standing in the driveway I had a mask on covering my nose and mouth and without knowing who I was, he got out of his truck and asked if this was Ms. Morgan's house I stated" yes ". John then stated" Is she crazy we've been out here before and didn't find no bugs is she nuts or something". Without responding to his statement I invited him into the house. I then showed him the particles and asked if he could identify them. He then stated he didn't know what it was, I then informed him I was Ms. Morgan and no I was not crazy. I asked him why he made that statement about me, he stated that it was the statement made to him by a Gemcraft representative that I was crazy and a problem for them. I asked him (John) when Gemcraft made that statement about me. He stated that Gemcraft called their office Nov. 2, 2006. Accurate treated the inside and outside of my house) when their (Gemcraft) site manager saw Accurate's company truck in my driveway. Gemcraft wanted to know if they found anything in my house.

Gemcraft had no right to call any company I paid for a service for information and Accurate did not have the right to give them information.

I have personally contacted and met with at lease to 20 attorneys (in Delaware) In an effort to have Gemcraft respond to their lack of quality construction and the physical problems I face each day in this house. Several attorneys's said I had a good case but once I tell them the name of the corporation (Gemcraft) they back-off. I've had attorneys after finding out Gemcraft was the builder say "GIVE ME A CALL NEXT AUGUST IF YOU ARE STILL INTRESTED IN FILING A SUITE AGAINST GEMCRAFT" / I CAN TAKE THE CASE BUT I DON'T WANT TO" One attorney told me to contact my insurance company Donegal which I found out is Gemcraft's. I called in my claim to them on December 8, 2006 and a few days later I was contacted by John Walsh who was the advocate for Donegal. He came to my house to asset the damages and approximately two weeks later called via telephone and said my policy coverage was only \$5000.00 for mold damage.

I have had to experience two hospital emergency room visits – one of which resulted in a two day hospital stay because of chest pains and difficulty in breathing and swallowing.

After charges of discrimination where filed against Gemcraft, by the Office Human Relation's I spoke with investigator Nick Mirro in response to a "No Fault Settlement Invitation" from Gemcraft Attorney David Shuster dated Feb. 15, 2006. Mr. Mirro informed me that I should think about what I wanted to settle, and to make a list of my justifiable expenses. I told Mr. Mirro at that point that I wanted Gemcraft to buy the house back pay for my medical expenses present and future, pain and suffering. On

Feb 8, 2006 I sent by overnight express information concerning my issues with Gemcraft to Attorney John Geddes per my phone conversation with him. He stated he would review it and let me know if he would take my case. On Feb. 17, 2006 I spoke with Attorney John Geddes and informed him of the No Fault Settlement Invitation, and asked if he would represent me at the Feb. 27, 2006 hearing. He agreed (over the telephone) to represent me. On Friday Feb. 23, 2006 as the date for the hearing approached, and after he (Atty. Geddes) had spoken with the parties involved, David J. Shuster (Attorney for Gemcraft) and Nicholas J. Mirro (Investigator for Human Relations) he withdrew his offer to represent me. He stated that Atty. Shuster and Investigator Mirro said there was no place there for an attorney because the hearing was informal and he only looked into the matter as an interested citizen.

I went to the hearing on Feb 27, 2006 and told Attorney Shuster the same thing I told Mr. Mirro that I would settle for and he stated that he didn't know I wanted Gemcraft to buy the house back and they were not prepared to buy the house. He offered the same list of repairs that I had already told them was unsatisfactory. Atty. Shuster through the list of repairs on the table and stated this is all we are willing to do and he did not think they would be liable to do that if the home warranty expired. The repairs they were willing to do BJ Carey picked from the home inspection report I paid to have done. When he came to my house in October I told him I had a home inspection done. He me to let him see it and he sat at my computer and looked at all the violations documented by the inspector. He asked if I would email him a copy of the report and I did. This happened before I knew about numerous other problems, and violations.

I was told that there is a GOOD-OL-BOY Network System here Delaware) and I will not get any help here. I now believe it's true. Everywhere I have gone for help, I was either told that there was nothing they could do to help me, or that it would be looked into. The majority of times, I did not get any response. My question is, how do so many people sitting in authoritative positions as heads of agencies justify the fact that they cannot help me?

I went to the emergency room at Nanticoke Memorial hospital March 12, 2006 for chest pains. I explained to the receptionist that I didn't know if I was still covered under Medicare because I had not used it for a long time I didn't even know where the card was. She then asked what color my card was, I told her red and white with the letter A on it. She explained that Medicare does not expire and beside the hospital was federally funded and I would not have to worry about the bill. When I saw the doctor explained I started getting sick about one month after I moved into this house, and just found out recently I have been exposed to mold and would they test me. Their response was we don't do that type of test at this hospital and another doctor told me that my health insurance would not cover me to stay in the hospital to be tested.

When I was released from the hospital on March 15, 2006, I was referred to see several doctors on an out patient basis. Dr. Scotto was the first to see me. After he examined me he told me I needed to see an Allergist and gave me a referral.

I tried for two days to reach one office but there was no answer. I then called all of the ENT Physicians in this area but nobody took emergency appointments. On March 19 TH I went to Dr. Joseph Oiekszyk office to see if I could get an emergency appointment. The earliest appointment I could get was April 19th. I ask the receptionist if I could leave my

name and Phone number in case there was a cancellation before April 19th and she took my information.

On the morning of March 26 I got a call from Dr. Oiekszyk's office asking if I could come in at 1:00 o'clock that afternoon. During my examination at the appointment, the doctor asked me what symptoms I was having. I told him I had almost every symptom of toxic mold infection. He gave me a slip to take to the lab at the hospital for blood tests to be done, and slip for an MRI of my head, which I had done the following day. Several days later, I received a phone call from De. Oiekszyk's receptionist saying they could not get any information on me from Medicare, and that I should call and ask to have another card issued. The receptionist also said that I should come in on April 2nd concerning the results of my blood test. I went in on the 2nd and was told that I need to get my health insurance straightened out. I responded that I was going to apply for Medicaid because I was told that my Medicare coverage had expired. I was due to go in for the allergy tests on the 4th and 5th of April, but after I got home I received a call from the receptionist saying that I could not have the testing done until I had proof of health coverage or paid the existing bill in cash for \$705.00 and paid \$504.00 for testing. I called back on the morning of the 4th and asked her if I could be billed and that I was seeking legal counsel to try to help me, and that bill could be paid as a part of any legal settlement. She said definitely not, because I had not explained this to them in the beginning. But I did not know that my Medicare coverage had expired.

I need urgent medical care. I applied for Medicaid and it was approved; it becomes effective on May 1st. However, since Medicaid has stated that it does not pay back bills, I do not know if I can still be treated by Dr. Oiekszyk. I need help finding an attorney to take my case and assistance in helping me receive urgent medical treatment for toxic mold exposure. I have already lost more than 25 pounds and have developed many of the symptoms from toxic mold exposure since moving into this house, and am getting sicker and weaker each day.

Because of the expense in hiring professionals, doctor's visits- cash payments 500.00 per visit, buying equipment and having to stay for five weeks in hotels, excessive electric bills because of the need to run vacuums almost 24 hours a day, etc., I have exhausted my finances. When the fire department came out, the fire place and stove were "red tagged." The following morning the fire chief came back to the house and told me not to use the heating system in the basement because of improper installation; and I cannot use the heating system in the attic because mold spores come through the vents from the attic area because of mold and mildew from water damage from the heating/cooling system that also improperly installed. I have been using space heaters for heat.

When I went to social services to seek assistance, the social worker stated that she was going to make a note in my file that my clothes smelled of mold both times I came to her office. I do not understand how the health department says that there is no smell of mold in this house. The structural engineer said that he could smell mold outside the house when he got out of his truck and, also in the basement.

After inquiring via the internet to see if this house could be sold, a realtor contacted me about selling this house (Jean A'qulla) from Coldwell Bankers. I informed her of the documented problems with this house. I was told because of the structural concerns, improper soil treatment, mold, mildew, mold spores, along with all the other violations,

they would be sued if they tried to sell this house. She also stated that there should not be any type of mold in a brand new house.

As it stands this house is not fit for human habitation. In an effort to curtail entry (baseboards, sockets, doors in need of adjustment, vents, windows, etc.) of insects, mold spores and particles, I have taped all points of entry stated above and covered all windows that could be reached with plastic, but to no avail.

There are still piles of tree trunks lying on the property, and sand mounds which should have been removed to prevent mold growth.

There is documented evidence (Dates of soil treatment on Columbia Pest Control Certificate) which was provided by Gemcraft that shows this house was built in less than three months. The alleged soil treatment for the foundation was done on February 7, 2006 and treatment around the foundation was done on March 3, 2006, my walk thru was April 26, 2006. I have spoke with contractors and they all say it takes eight months to a year to build a house this size. When I put the contract on the house I was told settlement would be in June. When I was informed by Ann Vogel via phone in March 2006 that I would be going to settlement in April I informed her that I was prepared to go to settlement in June. She said If I didn't go to settlement when Gemcraft was ready they would charge me 1% of what the house cost. My mailbox (Brick) had not been built, but they still said they were ready to go to settlement. I didn't get a temporary mailbox until a month after I moved in. During the month I didn't have a mailbox at all, I was told by the site manager that I could go to the post office to pick up my mail. I insisted that they give me a mailbox.

Gemcraft does not want to take responsibility for the poor quality and construction of this house or my medical condition as it relates to Sick House Syndrome.

Everything in this house is infested with mold spores and when I leave this house I can take nothing with me.

I am trying to find some place to go.

I feel my civil rights have been violated and I've been discriminated against. I feel that my rights as a consumer have been ignored and violated.

Thank you for any assistance in this matter.

Sincerely,

Patricia Morgan

Patricia E. Morgan
24531 Pine Bark Lane
Seaford, DE 19973 (302-628-3674)
Acct # 0015370828

February 12, 2007

EMC Mortgage Corporation
Attention: **Customer Service**
800 State Highway
121 ByPass
Lewisville, TX 75067-4180

Dear Customer Service Representative,

I am writing at this time to seek your help and, consideration regarding the difficulty I have with the Gemcraft Homes Company. They are the builder's responsible for the construction of my house. I went to settlement on April 28, 2006.

I need to bring to your attention the fact that I have sought legal counsel in an attempt to force Gemcraft Homes to respond to the problems in this house, resulting from their rushed and poor quality construction – along with a list of hidden oversights compiled for me by a building inspector I had to hire.

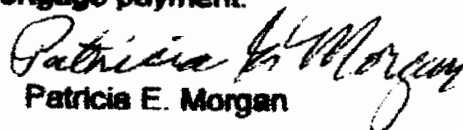
I need also bring to your attention the fact that I have become sick because of GemCraft's failure to properly treat the foundation and earth against termites. There is no termite shield on the foundation. Their neglect has resulted in the infestation of this house by biting mites, and other insects that professional exterminators have not been able to eradicate. I am presently under the care of a physician.

As a result of this, I have had to vacate this house and stay in motels for the sake of my health. I have also incurred added medical expenses (i.e., specialists and expensive medication etc.). I have no family in this area, so I have had to return to this house because of the financial drain on me.

I now am asking for your consideration: Because of pending legal action against Gemcraft Homes (in civil court and with the Delaware State Human Relations Commission) my finances are strapped. I am scheduled for a hearing before the Commission on February 27, 2007 to address my charge of being discriminated against by Gemcraft. I am asking for a brief moratorium on the mortgage payment until I am able to reorganize and recoup my finances. However, the courts may deem this house not fit for human habitation and have it condemned.

I have included the relevant documentation associated with this matter. I hope that this will be helpful to you in making a decision to grant me the favor of a moratorium on my mortgage payment.

Sincerely,


Patricia E. Morgan



February 22, 2007

Patricia E. Morgan
24531 Pine Bark Lane
Seaford, DE 19973

RE: Loan Number: 0015370828

Dear Patricia E. Morgan:

EMC Mortgage Corporation (EMC) is dedicated to providing the highest level of customer service. Your concerns are very important to us, and we appreciate the opportunity to provide you with the following information regarding the servicing of your account.

On February 20, 2007, EMC received your letter requesting a moratorium on your mortgage payments while you sue your builder. Thank you for enclosing all the relevant information, as well as, the CD containing your recent home inspection. While we are sorry to hear that you have had this difficulty, EMC must service your loan in accordance with the terms and conditions established by your Note and Mortgage. Consequently, we are unable to provide the type of financial assistance you request. If you find yourself unable to remit your mortgage payments in a timely manner, please contact our Collections Department at 1-800-436-7397 during the following times to make payment arrangements for your loan:

- Monday through Thursday between the hours of 7 a.m. and 9 p.m. Central Time
- Friday between the hours of 7 a.m. and 7 p.m. Central Time.

As a courtesy reminder, your account is due for the February 2007 installment in the amount of \$1,131.65. Thank you again for making us aware of your concerns. Should you have any further questions regarding your loan, please call our Customer Service Department at 1-800-723-3004, Monday through Thursday between the hours of 7:00 a.m. and 9:00 p.m. and Friday between the hours of 7:00 a.m. and 7:00 p.m. Central Time.

Sincerely,

Neha Kamman
Research Specialist

Patricia E. Morgan
24531 Pine Bark Lane
Seaford, DE 19973
(302-628-3674)
Acct. 0203522081

February 10, 2007

Sun Trust Mortgage
Legal Department
P.O. Box 26149
Richmond, VA 23260-6149

Dear Attorneys,

I am writing at this time to seek your help and, consideration regarding the difficulty I have with the Gemcraft Homes. They are the builder's responsible for the construction of my house. I went to settlement on April 28, 2006.

I need to bring to your attention the fact that I have sought legal counsel in an attempt to force Gemcraft Homes to respond to the problems in this house, resulting from their rushed and poor quality construction -- along with a list of hidden oversights compiled for me by a building inspector I had to hire.

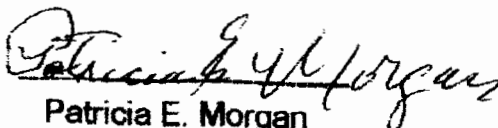
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As a result of this, I have had to vacate this house and stay in motels for the sake of my health. I have also incurred added medical expenses (specialist, and expensive medication etc.) I have no family in this area -- so I have had to return to this house because of the financial drain on me.

I now am asking for your consideration: Because of pending legal action against Gemcraft Homes in civil court and with the Delaware State Human Relations Commission my finances are strapped. I am scheduled for a hearing before the Commission on February 27, 2007 to address my charge of being discriminated against by Gemcraft. I am asking for a brief moratorium on the mortgage payment until I am able to reorganize and recoup my finances however the courts may deem this house not fit for human habitation and have it condemned.

I have included the relevant documentation associated with this matter. I hope this will be helpful to you in making a decision to grant me the favor of a moratorium on my mortgage payment.

Sincerely,


Patricia E. Morgan

04/10/07

SUNTRUST MORTGAGE, INC.
PO BOX 27767
RICHMOND, VA 23261-7767

SUNTRUST

FINAL NOTICE

LOAN NUMBER	MAN CODE	MORTGAGE CODE	AREA OFFICE	2 REGULAR MONTHLY PAYMENTS		LATE CHARGES	TOTAL AMOUNT DUE NOW	SCHEDULE DUE DATE	MO.	DAY
0203522081	8	R29 13	HG	6212.62		144.92	6357.54	03	01	

CHUCK PRINTING
L74643 1203 WAS

C - 005049/006377

PATRICIA E MORGAN
24531 PINE BANK LN
SEAFORD DE 19973

TOLL FREE 1-800-443-1032

PLEASE READ CAREFULLY:

1. TWO PAYMENTS ARE NOW PAST DUE ON YOUR MORTGAGE.
2. THE AMOUNT NOW REQUIRED TO REINSTATE YOUR MORTGAGE INCLUDES TWO MONTHLY PAYMENTS AND LATE CHARGES.
3. NEED ASSISTANCE? CONTACT THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AT 1-800-568-8723. THEY CAN PROVIDE YOU INFORMATION ON HOUSING COUNSELING AGENCIES IN YOUR AREA.

Patricia Morgan

From: "Nickerson Sam (DOS)" <sam.nickerson@state.de.us>
To: "Patricia Morgan" <Bridgetoabetterlife@msn.com>
Sent: Thursday, April 12, 2007 11:15 AM
Subject: RE: Complaint vs. GemCraft

Thank you for providing the complaint information related to the purchase of a GemCraft Home.

The Division of Professional Regulation and the Real Estate Commission were created by Legislature and given specific and sometimes limited jurisdiction related to real estate transactions within the State of Delaware. In your email you reported several incidents related to the construction and completion of your residence. The Real Estate Commission is not granted jurisdiction over matters related to activities of the construction company.

The Consumer Protection Unit, housed within the Office of the Attorney General has oversight of contractors and their work. That Office is located at: Consumer Protection Unit, Carvel State Office Building, 820 French Street, Wilmington, DE 19801.

We are unable to initiate an investigation into this matter.

-----Original Message-----

From: Patricia Morgan [mailto:Bridgetoabetterlife@msn.com]
Sent: Wednesday, April 11, 2007 2:05 PM
To: Nickerson Sam (DOS)
Subject: Complaint vs. GemCraft

Dear Mr. Nickerson,

I am writing to you to file a complaint against GemCraft Homes. Ms. Julia Angradi was the sales agent for GemCraft at that time. I do not think she now works for the company.

Since coming into this house at "The Pines at Seaford (Delaware)" on April 29, 2006, I have been dealing with multiple problems relating to my health and what appears to be "sick house syndrome." I have documentation indicating that there are serious problems with the construction and poor quality of materials and workmanship. I also have documentation indicating that the soil around the house was not properly treated, test results which indicate that there are mold spores and high levels of cellulose fibers in the house, and a home inspection report showing major defects in the structure of the house.

In May of 2006, I began a series of normal requests to GemCraft to have problems fixed in and around the house: e.g., standing water in basement, felled trees on and around the property, biting insects entering the house through improperly sealed doors and windows, mold build-up due to attic air conditioning unit leakage, damage to ceiling due to the same attic unit leakage; improperly attached stair railings, as well as other problems indicated in the home inspection report I had done. GemCraft chose not to respond to my "30-Day List" or "Post Settlement Warrant List" of repair items and issues.

Only after I had paid for an independent home inspection did GemCraft copy some of the recommendations from the report I sent, and finally begin to respond to my phone calls and messages to the GemCraft office.

I have had a discrimination hearing against GemCraft at the State Human Relations Commission office on 02-27-07. GemCraft had offered a "no fault settlement invitation."

4/16/2007

However, the attorney for GemCraft did not want to respond to the construction problems and health issues relating to this house. I have a copy of GemCraft's response to the questions posed by the Human Relation Commission.

If you would please give me your fax number, I would be glad to fax all relevant information to you.

My contact number is 302-628-3674.

Sincerely,

Patricia Morgan

24531 Pine Bark Lane
Seaford, DE 19973

facsimile transmittal

To: Danielle Mile Fax: 804-675-7461

From: Patricia Morgan Date: 6/15/2007

Re: Loan # 0203522081 Pages: Cover plus letter

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Danielle,

Attached is my letter to you and Sun Trust Mortgage
regarding the hardship situation in which I now find myself.

I am grateful for your helpful consideration.

Patricia Morgan

Patricia E. Morgan
24531 Pine Bark Lane
Seaford, DE 19973

June 15, 2007

Sun Trust Mortgage
P.O. Box 27767
Richmond, VA 23261-7767
Attention: Danielle

Dear Danielle,

As a follow up to our phone conversation, I want to convey to you the following information:

Since last June, I have been ill because of the newly built house into which I moved. After having a structural engineer examine the house, I was told that there were high levels of two types of mold along with cellulose fibers. Because of this, I have been suffering from "sick house syndrome."

My medical expenses and medications have been quite high and are now at the point of being unaffordable. I have also had to purchase certain pieces of equipment (such as vacuum cleaners) and chemicals in an effort to alleviate the affects of the mold on and within my body and within the house.

The combination of my medical needs and my efforts to change the condition of the house has exhausted my finances. I now owe my bank approximately \$500.00 because of necessary overdrafts.

I had mentioned to you that I had a hearing on my employment compensation. A decision was supposed to have been reached by June 1st -- but, as of this date, I have not heard anything. I will get the information on the compensation decision to you as soon as I am contacted.

For your information, my attorney is Robert M. Fellheimer
37 North Hamilton
Doylestown, PA 18901 (215)345-7090; fax (215)345-8051

Because of my health, I am staying with my aunt. I can be reached on my cell phone at (301)404-1362.

Thank you for your help and consideration.

Sincerely,


Patricia Morgan

Loan # 0203522081

Patricia E. Morgan
24531 Pine Bark Lane
Seaford, DE 19973
(302-628-3674)
Acct. 0203522081

February 10, 2007

Sun Trust Mortgage
Legal Department
P.O. Box 26149
Richmond, VA 23260-6149

Dear Attorneys,

I am writing at this time to seek your help and, consideration regarding the difficulty I have with the Gemcraft Homes. They are the builder's responsible for the construction of my house. I went to settlement on April 28, 2006.

I need to bring to your attention the fact that I have sought legal counsel in an attempt to force Gemcraft Homes to respond to the problems in this house, resulting from their rushed and poor quality construction -- along with a list of hidden oversights compiled for me by a building inspector I had to hire.

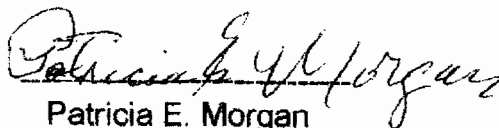
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I have included the relevant documentation associated with this matter. I hope this will be helpful to you in making a decision to grant me the favor of a moratorium on my mortgage payment.

Sincerely,


Patricia E. Morgan

Subterranean Termite Soil Treatment Builder's Guarantee

OMB Approval No. 2502-0525
(exp. 11/30/2008)

This form is completed by the builder.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is mandatory and is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires a licensed Pest Control company to provide the builder a record of specific treatment information in those cases when the soil treatment method is used for prevention of subterranean termite infestation. When applicable, form HUD-NCPA-99-B must accompany the form HUD-NCPA-99-A. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential.

This form is submitted for proposed (new) construction cases when soil treatment for prevention of subterranean termite infestation is specified by the builder or required by the lender, the architect, FHA or VA.

This form is to be completed by the builder. This guarantee is issued by the builder to the buyer. This guarantee is not to be considered as a waiver of, or in place of, any legal rights or remedies that the buyer may have against the builder.

FH/VA Case No.: _____

Location of Structure(s) (Street Address, or Legal Description, City, State and Zip): _____

24531 Pine Bark Lane
Seaford, DE 19973

Buyer's Name: _____

Morgan, Patricia

The undersigned builder hereby certifies that a State licensed or otherwise authorized pest control company (where required by State law) was contracted to treat the property at the location referenced above for subterranean termites. The builder further certifies that the contract with the pest control company required the treatment materials and methods used to be in conformance with all applicable State and Federal requirements. All work required by the contract has been completed. Where not prohibited by applicable State requirements, the buyer, for an additional fee payable to the pest control company, may extend the protection against subterranean termites. Contact the pest control company listed on the attachment for further information.

The builder hereby guarantees that, if subterranean termite infestation should occur within one year from the date of closing, the builder will ensure that a licensed or otherwise State authorized pest control company (where required by State law) or other qualified licensed pest control company will further treat as necessary in the infested area to control infestations in the structure. This further treatment will be without cost to the buyer. If permitted by State law, the buyer may contract directly, at the buyer's expense, with a pest control company to inspect the property on a periodic basis and/or use EPA registered products to control the infestation. The builder will not be responsible for guaranteeing such additional treatment. The builder further agrees to repair all damage by subterranean termites within the one-year builder's warranty period. This guarantee does not apply to additions or alterations that are made by the buyer, which affects the original structure or treatment. Examples include, but are not limited to, landscape and mulch alterations, which disturb the treated area and create new subterranean termite hazards, or interfere with the control measures.

If within the guarantee period the builder questions the validity of a claim by the buyer, the claim will be investigated by an unbiased expert mutually agreeable to the buyer and builder. The report of the expert will be accepted as the basis for disposition of the case. The non-prevailing party will pay the cost of any inspections made to investigate the claim. For further information, contact your State structural pest control regulatory agency.

Type of Treatment:

☐ Bait System

☐ Wood

☒ Soil (HUD-NPCA-99-B required)

Note: Appropriate treatment record must be attached and listed.

Attachments: _____

99b

Builder's Company Name: _____

Gemcraft Homes, Inc.

Phone No.: _____

302-628-7650

Authorized Signature: _____

Myllis Hain

Date: _____

4-25-06

Consumer Maintenance Advisory regarding Integrated Pest Management for Prevention of Wood Destroying Insects. Information regarding prevention of wood destroying insect infestation is helpful to any property owner interested in protecting the structure from infestation. Any structure can be attacked by wood destroying insects. Periodic maintenance should include measures to minimize possibilities of infestation in and around a structure. Factors which may lead to infestation from wood destroying insects include foam insulation at foundation, earth-wood contact, faulty grade, firewood against structure, insufficient ventilation, moisture, wood debris in crawl space, wood mulch, tree branches touching structures, landscape timbers, and wood rot. Should these or other such conditions exist, corrective measure should be taken by the owner in order to reduce the chances of infestations by wood destroying insects, and the need for treatment.

An original and one copy of this guarantee are to be prepared by the builder and sent to the lender. The lender provides one copy to the buyer at closing and includes a copy in the VA loan package or HUD insurance case binder. The builder sends one copy to the licensed pest control company which performed the treatment.

Attached is a copy of the state authorized pest control company's New Construction Subterranean Termite Soil Treatment Record, HUD-NPCA-99-B.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729.3802)

COLUMBIA PEST CONTROL
P.O. BOX 2609
COLUMBIA, MARYLAND 21045
(410) 391-6820
(410) 730-6648

THIS HEREBY CERTIFIES THAT ON THE 7th DAY OF FEBRUARY, 2006
COLUMBIA PEST CONTROL TREATED THE DWELLING DESCRIBED BELOW WITH AN EPA-
APPROVED TERMITICIDE FOR THE CONTROL OF SUBTERRANEAN TERMITES. IN THE
EVENT THAT SUBTERRANEAN TERMITES INFEST THE ABOVE-MENTIONED DWELLING
ON OR BEFORE THE 7th DAY OF FEBRUARY, 2011, COLUMBIA PEST CONTROL
AGREES TO RETREAT THE DWELLING AT NO ADDITIONAL CHARGE. HOWEVER, IF ANY
OF THE CONDITIONS DESCRIBED ON THE REVERSE SIDE OF THIS CERTIFICATE HAVE
NOT BEEN MET, THE REPRESENTATIONS MADE BY THIS CERTIFICATE SHALL BE NULL
AND VOID. THIS CERTIFICATE COVERS THE MAIN DWELLING ONLY AND SPECIFICALLY
DOES NOT INCLUDE DETACHED GARAGES, TOOLSHEDS, FENCES OR OTHER OUT
BUILDINGS. IN ADDITION, THIS CERTIFICATE SHALL NOT BE INTERPRETED AS A
WARANTY WITH RESPECT TO ANY WOOD DAMAGE THAT MAY RESULT FROM
SUBTERRANEAN TERMITES.

DWELLING LOCATED AT:

24531 PINE BARK LANE

SEAFORD, DELAWARE 19973

LOT # 9 PAS

AUTHORIZED BY: RICK BUNCE

COLUMBIA PEST CONTROL

Morgan

**New Construction Subterra an Termite
Soil Treatment Record**OMB Approval No. 2502-0525
(exp. 11/30/2008)

This form is completed by the licensed Pest Control Company

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is mandatory and is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires the builder to certify that an authorized Pest Control company performed all required treatment for termites, and that the builder guarantees the treated area against infestation for one year. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential.

This report is submitted for informational purposes to the builder on proposed (new) construction cases when soil treatment for prevention of subterranean termite infestation is specified by the builder, architect, or required by the lender, architect, FHA, or VA.

All contracts for services are between the Pest Control Operator and builder, unless stated otherwise.

Section 1: General Information (Treating Company Information)Company Name: COLUMBIA PEST CONTROLCompany Address P.O. BOX 2609 City COLUMBIA State MARYLAND Zip 21045Company Business License No. MD. 1714 DE. 684 VA. 91001077 Company Phone No. 410-730-6648FHA/VA Case No. (if any) PA. BU3069 W VA. 1108**Section 2: Builder Information**Company Name GEMCRAFT HOMES PASPhone No. 302-628-7650**Section 3: Property Information**LOT# 9

24531 PINE BARK LANE

Location of Structure (s) Treated (Street Address or Legal Description, City, State and Zip) SEAFORD, DELAWARE 19973Type of Construction (More than one box may be checked) ☒ Slab ☒ Basement ☐ Crawl ☐ Other _____Approximate Depth of Footing: Outside 4' Inside 8" Type of Fill COARSE**Section 4: Treatment Information**Date(s) of Treatment(s) 2/7/20063/3/2006Brand Name of Product(s) Used PERMETHRIN T/CEPA Registration No. 51036-287-72113Approximate Final Mix Solution % .5%Approximate Size of Treatment Area: Sq. ft. 3330 Linear ft. 178 Linear ft. of Masonry Voids _____
400

Approximate Total Gallons of Solution Applied _____

Was treatment completed on exterior? ☒ Yes ☐ NoService Agreement Available? ☒ Yes ☐ No

Note: Some state laws require service agreements to be issued. This form does not preempt state law.

Attachments (List) _____

Comments _____

Name of Applicator(s) EDWARD RIFFEY

Certification No. (if required by State law) _____

The applicator has used a product in accordance with the product label and state requirements. All treatment materials and methods used comply with state and federal regulations.

Authorized Signature Date 3/8/2006

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Accurate

Termite & Pest Control

Pest Control Annual Service Agreement

Address _____

Phone _____

☐ Monthly ☐ Quarterly ☐ Annual ☐ Other
☒ Professional Pest Management Program

Customer Name			Service Contact		
Invoice Address			Service Address		
City	State	Zip Code	City	State	Zip Code
Home Phone	Bus. Phone		Date of Agreement		Account Representative
Social Security Number			Structures Covered		

<input type="checkbox"/> HOUSE ANTS	<input type="checkbox"/> AMERICAN ROACHES	<input type="checkbox"/> SILVER FISH	<input type="checkbox"/> FLEAS	<input type="checkbox"/> SPIDERS	<input type="checkbox"/> WASP
<input type="checkbox"/> CARPENTER ANTS	<input type="checkbox"/> GERMAN ROACHES	<input type="checkbox"/> MICE	<input type="checkbox"/> CRICKETS	<input type="checkbox"/> TICKS	<input type="checkbox"/> BEES
<input type="checkbox"/> PAVEMENT ANTS	<input type="checkbox"/> ORIENTAL ROACHES	<input type="checkbox"/> RATS	<input type="checkbox"/> EARWIGS	<input type="checkbox"/> STORED PROD. PEST	<input type="checkbox"/> YELLOW JACKETS
<input type="checkbox"/> FIRE ANTS	<input type="checkbox"/> BROWN BANDED ROACHES	<input type="checkbox"/> CARPET BEETLES	<input type="checkbox"/> MILLIPEDES	<input type="checkbox"/> CENTIPEDES	<input type="checkbox"/> BOX ELDER

OTHER (describe) _____

SPECIAL INSTRUCTIONS AND AREAS TO BE TREATED _____

Professional Pest Management Program includes a courtesy termite inspection only, and does not include treatment costs, nor does this guarantee, warrant, or certify the absence of termites or damages. Inspection to readily accessible areas only.

Accurate Termite & Pest Control Co. agrees to provide any and all materials and labor required for treatment and/or inspection for above stated property or areas specifically stated for the control of all pest checked above or inserted under "other" above. This agreement does not guarantee against any future or present damage to the structure or its contents, nor does it provide for the repair or compensation thereof. Customer agrees to maintain premises free from any factor, or condition contributing to re-infestation, such as proper garbage disposal, proper sanitary conditions, etc... This agreement does not cover the cost of labor and materials for mechanical/structural alterations. This agreement does not provide for control for wood destroying insects or organisms unless specifically stated above.

Accurate Termite & Pest Control will call customer in advance to schedule. After three attempts, customer agrees to outside service. Customer may call to schedule inside service. Customer agrees to pay for outside only services. All services are to be performed during normal working hours. Additional fees for off hours may apply.




It is the customer's responsibility to notify Accurate Pest Control of any edible vegetation within twenty feet of structures. Customer understands that Accurate Pest Control is doing pest control, not elimination. Treatment methods are at the discretion of the company. Accurate Pest Control will return at no charge between services for reasonable reinfestation.

Customer also understands that some pests (i.e. fleas, roaches, ants) may take time and/or several treatments to control due to their life cycle. Any return services may be at additional charge. Service charges may apply if services are not cancelled by 5:00 p.m. of the last business day prior to scheduled service.

This contract is a one year agreement, unless specifically stated above for a period shorter than one year.
Balance of contract due for early termination.

Customer Initials _____

This agreement will continue on a month to month basis following the initial (12) twelve month period unless otherwise specified above. Following the original term of this contract, either party may cancel this agreement by giving (30) thirty days notice in writing. A finance charge of 1 1/2% per month, 18% annual is applied to all delinquent accounts plus reasonable attorney fees, collection fees and court costs. All accounts shall be COD unless otherwise specified in writing. Delinquent accounts will result in stoppage of services and all warranties implied. Should the contract be cancelled prior to completion of services, the customer agrees to pay the company in full at time of cancellation, the balance of the contract price. Public liability and property damage insurance against injury to members of the public from accidents which may arise will be carried by the company.

METHOD OF PAYMENT			5% Discount for Initial Full Payment	
Cost of Initial Service	Cost Per Additional Service	Total No. of Services	TOTAL CONTRACT PRICE	
  			Deposit	
<input type="checkbox"/> Mastercard <input type="checkbox"/> Visa <input type="checkbox"/> Discover Credit Card No _____			Balance Due	
Cardholder's Signature _____		Exp. Date _____	Authorized Company Signature _____	

Acceptance of Agreement - The prices, specifications, terms and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined. Company reserves the right to amend this agreement if not accepted within 30 days. Company reserves the right to revise the service charge after the initial (12) twelve month period, or time limits specifically stated above.

Customer's Signature: _____

P.O. Box 1686
Salisbury, Maryland 21802Maryland Delaware
(410) 742-7382 (302) 856-6776
(410) 289-7345 (302) 734-7199
(302) 424-1877
(302) 628-1141
(302) 226-1156

Wipe and ~~down~~ wash down everything before using
stay out for 4 hrs.

Date of Service 4/27 Time In 9:47 Time Out 1:14

POISON CONTROL CENTER
1-800-222-1222

Chemical Amt Concentration% Location EPA Reg #

Chemical Amt Concentration% Location EPA Reg #

Chemical Amt Concentration% Location EPA Reg #

Chemical Amt Concentration% Location EPA Reg #

Chemical Amt Concentration% Location EPA Reg #

Target Pest Est. Wind Speed MPH Direction Temp. F ° Humid.

Weather: Clear Cloudy Rain Drizzle Equipment

Equipment: Compressed Air Sprayer Bulb Duster Whitmire Injection Fogger Power Duster

 Bait Stations Power Spray Rig Long Rod Short Rod Rod Injection Drilling Other

Amount Due Amount Paid Balance Due Cash Check Credit Card

Card # Exp. Date Name on Card

Customer Signature Technician Signature

Thank You For Your Business

For Rec'd 10-25-06 Bar Eney

COLUMBIA PEST CONTROL
P.O. BOX 2609
COLUMBIA, MARYLAND 21045
(410) 391-6820
(410) 730-6648

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DOES NOT INCLUDE DETACHED GARAGES, TOOLSHEDS, FENCES OR OTHER OUT
BUILDINGS. IN ADDITION, THIS CERTIFICATE SHALL NOT BE INTERPRETED AS A
WARANTY WITH RESPECT TO ANY WOOD DAMAGE THAT MAY RESULT FROM
SUBTERRANEAN TERMITES.

DWELLING LOCATED AT:

24531 PINE BARK LANE
SEAFORD, DELAWARE 19973
LOT # 9 PAS

AUTHORIZED BY: RICK BUNCE

COLUMBIA PEST CONTROL

Morgan

**New Construction Subterra an Termite
Soil Treatment Record**

This form is completed by the licensed Pest Control Company

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is mandatory and is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires the builder to certify that an authorized Pest Control company performed all required treatment for termites, and that the builder guarantees the treated area against infestation for one year. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential.

This report is submitted for informational purposes to the builder on proposed (new) construction cases when soil treatment for prevention of subterranean termite infestation is specified by the builder, architect, or required by the lender, architect, FHA, or VA.

All contracts for services are between the Pest Control Operator and builder, unless stated otherwise.

Section 1: General Information (Treating Company Information)Company Name: COLUMBIA PEST CONTROLCompany Address P.O. BOX 2609 City COLUMBIA State MARYLAND Zip 21045Company Business License No. MD. 1714 DE. 684 VA. 91001077 Company Phone No. 410-730-6648FHA/VA Case No. (If any) PA. BU3069 W VA. 1108**Section 2: Builder Information**Company Name GEMCRAFT HOMES PASPhone No. 302-628-7650**Section 3: Property Information**LOT# 924531 PINE BARK LANESEAFORD, DELAWARE 19973

Location of Structure (s) Treated (Street Address or Legal Description, City, State and Zip)

Type of Construction (More than one box may be checked) ☒ Slab ☒ Basement ☐ Crawl ☐ OtherApproximate Depth of Footing: Outside 4' Inside 8" Type of Fill COARSE**Section 4: Treatment Information**

Date(s) of Treatment(s)

2/7/20063/3/2006Brand Name of Product(s) Used PERMETHRIN T/CEPA Registration No. 51036-287-72113Approximate Final Mix Solution % .5%Approximate Size of Treatment Area: Sq. ft. 3330 Linear ft. 178 Linear ft. of Masonry Voids

Approximate Total Gallons of Solution Applied

Was treatment completed on exterior? ☒ Yes ☐ NoService Agreement Available? ☒ Yes ☐ No

Note: Some state laws require service agreements to be issued. This form does not preempt state law.

Attachments (List)

Comments

Name of Applicator(s) EDWARD RIFFEY

Certification No. (If required by State law)

The applicator has used a product in accordance with the product label and state requirements. All treatment materials and methods used comply with state and federal regulations.

Authorized Signature *Edward Riffey*

Date

3/8/2006

Subterranean Termite Soil Treatment Builder's GuaranteeOMB Approval No. 2502-052
(exp. 11/30/2008)

This form is completed by the builder.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is mandatory and is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires a licensed Pest Control company to provide the builder a record of specific treatment information in those cases when the soil treatment method is used for prevention of subterranean termite infestation. When applicable, form HUD-NCPA-99-B must accompany the form HUD-NCPA-99-A. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential.

This form is submitted for proposed (new) construction cases when soil treatment for prevention of subterranean termite infestation is specified by the builder or required by the lender, the architect, FHA or VA.

This form is to be completed by the builder. This guarantee is issued by the builder to the buyer. This guarantee is not to be considered as a waiver of, or in place of, any legal rights or remedies that the buyer may have against the builder.

FHAVA Case No.:

Location of Structure(s) (Street Address, or Legal Description, City, State and Zip):

24531 Pine Bark Lane
Seaford, DE 19973

Buyer's Name:

Morgan, Patricia

The undersigned builder hereby certifies that a State licensed or otherwise authorized pest control company (where required by State law) was contracted to treat the property at the location referenced above for subterranean termites. The builder further certifies that the contract with the pest control company required the treatment materials and methods used to be in conformance with all applicable State and Federal requirements. All work required by the contract has been completed. Where not prohibited by applicable State requirements, the buyer, for an additional fee payable to the pest control company, may extend the protection against subterranean termites. Contact the pest control company listed on the attachment for further information.

The builder hereby guarantees that, if subterranean termite infestation should occur within one year from the date of closing, the builder will ensure that a licensed or otherwise State authorized pest control company (where required by State law) or other qualified licensed pest control company will further treat as necessary in the infested area to control infestations in the structure. This further treatment will be without cost to the buyer. If permitted by State law, the buyer may contract directly, at the buyer's expense, with a pest control company to inspect the property on a periodic basis and/or use EPA registered products to control the infestation. The builder will not be responsible for guaranteeing such additional treatment. The builder further agrees to repair all damage by subterranean termites within the one-year builder's warranty period. This guarantee does not apply to additions or alterations that are made by the buyer, which affects the original structure or treatment. Examples include, but are not limited to, landscape and mulch alterations, which disturb the treated area and create new subterranean termite hazards, or interfere with the control measures.

If within the guarantee period the builder questions the validity of a claim by the buyer, the claim will be investigated by an unbiased expert mutually agreeable to the buyer and builder. The report of the expert will be accepted as the basis for disposition of the case. The non-prevailing party will pay the cost of any inspections made to investigate the claim. For further information, contact your State structural pest control regulatory agency.

Type of Treatment:

☐ Bait System☐ Wood☒ Soil (HUD-NPCA-99-B required)

Note: Appropriate treatment record must be attached and listed.

Attachments:

99b

Builder's Company Name:

Gemcraft Homes, Inc.

Phone No.:

302-628-7650

Authorized Signature:

Myelle Hain

Date:

4-25-06

Consumer Maintenance Advisory regarding Integrated Pest Management for Prevention of Wood Destroying Insects. Information regarding prevention of wood destroying insect infestation is helpful to any property owner interested in protecting the structure from infestation. Any structure can be attacked by wood destroying insects. Periodic maintenance should include measures to minimize possibilities of infestation in and around a structure. Factors which may lead to infestation from wood destroying insects include foam insulation at foundation, earth-wood contact, faulty grade, firewood against structure, insufficient ventilation, moisture, wood debris in crawl space, wood mulch, tree branches touching structures, landscape timbers, and wood rot. Should these or other such conditions exist, corrective measure should be taken by the owner in order to reduce the chances of infestations by wood destroying insects, and the need for treatment.

An original and one copy of this guarantee are to be prepared by the builder and sent to the lender. The lender provides one copy to the buyer at closing and includes a copy in the VA loan package or HUD insurance case binder. The builder sends one copy to the licensed pest control company which performed the treatment.

Attached is a copy of the state authorized pest control company's New Construction Subterranean Termite Soil Treatment Record, HUD-NPCA-99-B.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729.3802)



State of Delaware Department of Agriculture
Pesticides Department
2320 South DuPont Highway
Dover, DE 19901
(302) 695-4571



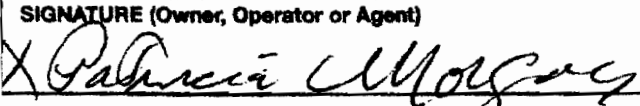
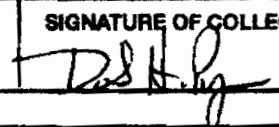

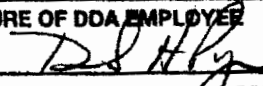

Fax: (302) 697-4488


Facsimile Transmittal

To: Patricia Mongal Fax: 302-628-3674
From: David Pym Date: 3/14/09 4/11/07
Re: Columbia Pest Control Pages: 03 04
 SOIL SAMPLERS
CC: Pretreat Areas
 2/7/06 - 3/5/06

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes:

RECEIPT FOR PESTICIDE SAMPLES		SAMPLE NUMBER(S) 072014 / 072015	
<p>SAMPLES COLLECTED (Describe fully, List Registration, Lot, Batch, Model, Serial Numbers and other positive identification.) The following pesticide and/or environmental samples were collected by the Delaware Dept. of Agriculture in connection with the administration and enforcement of the Delaware Pesticide Law and receipt of the sample(s) offered voluntarily is hereby acknowledged.</p> <p>SN 072014 - Approx. 1 lb of Soil from outside foundation wall</p> <p>SN 072015 - Approx. 1 lb of soil from outside foundation wall.</p> <p>Photocopies of Columbia Pest Control - Termite Warranty, Subterranean Termites Soil Treatment Builder Guaranteed New Construction Subterranean Termite Soil Treatment Record.</p> <p>" " Royal Pest Protection Service - agreement</p> <p>" " Accurate Pest Control Postcontrol invoice</p>			
SIGNATURE (Owner, Operator or Agent)		TITLE	
			
DUPLICATE SAMPLES <input type="checkbox"/> YES REQUESTED AND PROVIDED <input checked="" type="checkbox"/> NO		SAMPLES WERE <input type="checkbox"/> PURCHASED <input type="checkbox"/> RECEIVED, NO CHARGE <input type="checkbox"/> BORROWED	
AMOUNT PAID FOR SAMPLES	TITLE OF COLLECTOR	SIGNATURE OF COLLECTOR	
<input type="checkbox"/> CASH <input type="checkbox"/> VOUCHER <input type="checkbox"/> TO BE BILLED	Pesticide Inspector		
 <p style="text-align: center;">STATE OF DELAWARE DEPARTMENT OF AGRICULTURE PESTICIDE SECTION DOVER, DELAWARE 19901</p>		NOTICE OF PESTICIDE INSPECTION	
		DATE	TIME	☒ AM. ☐ PM.
NAME OF INDIVIDUAL		TITLE	
Patricia Morgan		home owner	
NAME (Firm, Farmer, Homeowner, etc.)		ADDRESS (Number, Street, City, State, ZIP)	
SANC		24531 Pine Bark Lane Seaford, DE 19973	
PHONE NO. 302-628-3674		TITLE	
SIGNATURE OF DOA EMPLOYEE		Pesticide Inspector	
			
REASON FOR INSPECTION: TO DETERMINE COMPLIANCE WITH THE DELAWARE PESTICIDE LAW.			
<input type="checkbox"/> For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled and released for shipment, and samples of any containers or labeling for such pesticides or devices in places where pesticides or devices are held for distribution or sale.			
<input type="checkbox"/> For the purpose of inspecting and obtaining copies of those records.			
<input type="checkbox"/> For the purpose of inspecting sites where pesticides are being used to collect data on the use of pesticides.			
<input checked="" type="checkbox"/> For the purpose of inspecting sites where pesticides have been used.			
<input type="checkbox"/> For the purpose of interviewing individuals to collect data for a pesticide investigation.			
<input type="checkbox"/> For the purpose of inspecting sites to determine compliance with the Worker Protection Standard, 40 CFR Part 170 and Part 156 Subpart K.			
VIOLATION SUSPECTED: SOIL SAMPLE FOR PRE-TREAT BY COLUMBIA PEST CONTROL.			
Voluntary consent to conduct this inspection for the above stated purpose.		SIGNATURE  OWNER/OPERATOR/PERSON IN CHARGE	

 <p>STATE OF DELAWARE DEPARTMENT OF AGRICULTURE Pesticide Section Dover, DE 19901 REPORT OF ANALYSIS</p>					1. SAMPLE NO 072014		2. DATE COLLECTED 2/20/07	
					3. REGION		4. EPA REG NO	
					5. ESTABLISHMENT NO			
6. DESCRIPTION OF SAMPLE Approximately 1 pound of soil collected, polybagged and sealed.								
7. NAME AND ADDRESS OF ESTABLISHMENT WHERE SAMPLE WAS COLLECTED (include ZIP code) Patricia Morgan 24531 Pine Bark Lane Seaford, DE 19973						8. PRODUCT NAME Permethrin		
						9. LOT OF (CODE NUMBER(S))		
10. NAME AND ADDRESS OF PRODUCER (If different from 7 above)								
11. RESULTS OF ANALYSIS								
SAMPLE RESULTS					QUALITY CONTROL DATA			
PARAMETER	SAMPLE CONCENTRATION (qualitative only)	LABEL CONCENTRATION (%)	% DIFFERENCE (1 label & Sample)	SATISFACTORY*	LAB DUPLICATE CONCENTRATION (%)	% DIFFERENCE (Sample & Dup.)	ANALYTICAL METHOD	
Permethrin	0.04 ppm						GC/ECD*	
					*Ref: 11JM-8 pp.100-101			
(C) SAMPLE DEFICIENCY					(D) SAMPLE OVERPERFORMANCE			
	100 50	50 10	10 5	5 1	10 5	0.5		
							LABEL VALUE (%)	
							% DIFFERENCE ACCEPTABLE (AS % OF LABEL)	
12. LABORATORY COMMENTS								
13. SIGNATURE OF LAB CHEMIST <i>Harold Moffett</i>					14. LABORATORY DDA		15. DATE 03/01/2007	
The information contained in this report should not be used in the labeling, advertising, or other promotion of the product analyzed. Additional information regarding results of analyses may be obtained from the individual listed below.								
NAME AND TITLE H. Grier Stayton Pesticide Compliance Administrator					ADDRESS Delaware Department of Agriculture 2320 South DuPont Highway Dover, Delaware 19901			
PHONE NUMBER (302) 698-4570					DATE 3/12/07			



DELAWARE DEPARTMENT OF AGRICULTURE

2320 South Dupont Highway
 Dover, Delaware 19901

Custody History of Official Pesticide Sample

1. DDA Sample Number 072014	2. Sample description SOIL SAMPLE	3. Pesticide analyte(s) requested permethrin
4. Sampling agency DDA	5. Sampler (signature) <i>Dell H. Lynn</i>	6. Date, time collected & sealed 02/20/07, 11:00 (am/pm)
7. Sealed by (signature) <i>Dell H. Lynn</i>	8. Storage location and conditions COCA	9. Preservatives added (if any) None
10. Method of sample shipment Hand delivered to DDA lab		
11 a. Relinquished by (signature) <i>Dell H. Lynn</i>	Received by (signature) <i>H. Moffet</i>	Date and time 02/20/07, 1:30 (am/pm)
Pieces received 1	Condition of seals good	Storage location and conditions RM105- refug
11 b. Relinquished by (signature)	Received by (signature)	Date and time 1/1/07, 1:30 (am/pm)
Pieces received	Condition of seals	Storage location and conditions
11 c. Relinquished by (signature)	Received by (signature)	Date and time 1/1/07, 1:30 (am/pm)
Pieces received	Condition of seals	Storage location and conditions
12. Assigned by <i>Marc Stoyton</i>	13. Assigned to <i>Harold Moffet</i>	14. Date, time seal broken Initials <i>Hm</i> 2/28/07, 4:10 (am/pm)
15. Subs analyzed 1	16. Date, time resealed 2/28/07, 3:00 (am/pm)	17. Resealed by (signature) <i>H. Moffet</i>
18. Storage location and conditions RM105- refug		19. Date jacket sent 3/1/07
20. Remarks		

FACSIMILE COVER PAGE

To :	DAVE PYNE	From :	JOHN BERKEY JR
Sent :	4/10/2007 at 12:16:14 PM	Pages :	3 (including Cover)
Subject :	LOT#9 SEAFORD		

ATTACHED PLEASE FIND INFO YOU REQUESTED
PLEASE CALL AND CONFIRM YOUR RECEIPT.
410-916-7335

THANK YOU JOHN BERKEY
SERVICE MANAGER
COLUMBIA PEST CONTROL

TIME 7:00

DATE 2/7/06

BUILDER GEMCRAFT

LOT# #9

ADDRESS 24531 PINE BARK LANE

WIND 0-10 X 11-20 21+

SOIL MOIST

CHEMICAL PERMETHRIN T/C PERCENT .5%

AMOUNT 320

AREA TREATED INTERIOR

SQ FT 2580

LIN FT 197

TIME 3:30

DATE 3/3/06

BUILDER GEMCRAFT

LOT# #9

ADDRESS 24531 PINE BARK LANE

WIND 0-10 X 11-20 21+

SOIL MOIST

CHEMICAL PERMETHRIN T/C PERCENT .5%

AMOUNT 80

AREA TREATED EXTERIOR

SQ FT 2580

LIN FT 197

James Matthews, M.D.
Family Medicine of Gaithersburg
981 Russell Ave.
Gaithersburg, MD 20879

(301) 216-2065
WWW.FamilyMedGaithersburg.com

Date: 10/05/2006 16:33

Re: Morgan, Patricia E

DOB: 02/27/1950

~~302-628-3674~~

To: Whom it may concern:

Patient is under my care for a serious medical condition that is made worse by mold exposure.

I've recommended that all mold and any stagnant water be removed from her environment immediately.

Sincerely,



James Matthews, M.D.

No Response
from General T

James Matthews, M.D.
Family Medicine of Gaithersburg
981 Russell Ave.
Gaithersburg, MD 20879

(301) 216-2065

WWW.FamilyMedGaithersburg.com

*Copy given to
Guncraft at
leaving 2-27-07
by Nick Mino*

✓ Date: 02/21/2007 09:38

Re: Morgan, Patricia E
302 628 3674 also fax.

DOB: 02/27/1950

To: Whom it may concern:

I've been treating Patricia since 6/9/2006 for symptoms consistent with both multiple insect bites and mold toxicity. She has reported to me that her home wasn't properly sealed when built and as a result, despite multiple exterminators and mold specialists, her home continues to accumulate these vermin. I've treated her with multiple rounds of antibiotic, antiparasite, and antifungal medications - all with some improvement, followed by immediate relapse when stopping medications. This pattern most highly suggests that she is correct and that indeed her problem is stemming from the fact that her home wasn't sealed properly when built. Her suffering has been great and has almost completely destroyed her quality of life. Therefore, I most strongly support full restitution of her home, as well as compensation for her pain and suffering and medical expenses, and hope that those persons responsible for this tragedy will be brought to justice.

Sincerely,



James Matthews, M.D.

James Matthews, M.D.
Family Medicine of Gaithersburg
981 Russell Ave.
Gaithersburg, MD 20879

(301) 216-2065
www.FamilyMedGaithersburg.com

DEA: BM8148593
MD: D0059665

Date: 10/05/2006 16:15

Patient:

Morgan, Patricia E
24531 Pine Bark Ln
Seaford, DE 19973
301 702 1581

DOB: 02/27/1950

Rx

Benicar 40mg, disp#90, sig-1 tab PO TID, refills-3.

Minocin 100mg, disp#90, sig-1 tab PO QOD, refills-3.

Note: The benicar is being used as part of the Marshall protocol, not for blood pressure.


Augmentin 875/125, disp#10, sig-1 tab PO BID, refills-none.

Fluconazole 200mg, disp#5, sig-1 tab PO QD after dinner, refills-2.

Cholestyramine, disp#378gms, sig-4gms PO BID, refills-2.

Lindane 1% lotion, disp#59mls, sig-apply to entire body, leave on for 8 hours and wash off, refills-2.

Magnesium Oxide 400mg, disp#60, sig-1 tab PO BID, refills-3.



James Matthews, M.D.

This prescription will be filled generically, unless "DAW" is written.



STATE OF DELAWARE
DEPARTMENT OF JUSTICE



CARL C. DANBERG
Attorney General

NEW CASTLE COUNTY
Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
Fax: (302) 577-2496
Civil Division (302) 577-8400
Fax: (302) 577-6630
TTY: (302) 577-5783

KENT COUNTY
102 West Water Street
Dover, DE 19904
Criminal Division (302) 739-4211
Fax: (302) 739-6727
Civil Division (302) 739-7641
Fax: (302) 739-7652
TTY: (302) 739-1545

SUSSEX COUNTY
114 E. Market Street
Georgetown, DE 19947
(302) 856-5352
Fax: (302) 856-5369
TTY: (302) 856-2500

Consumer Protection Unit – (302) 577-8600 - 1-800-220-5424

PLEASE REPLY TO:

July 20, 2006

Ms. Patricia Morgan
24531 Pine Bark Lane
Seaford, DE 19973

RE: Gemcraft Homes
File No. CAS-145955

(Please refer to this file number when communicating with our office)

Dear Ms. Morgan,

Thank you for your recent communication describing your concerns about the above-named business. We have entered the information you have given us into our computer system to track any pattern of problems with this business. Information received from consumers such as you is important to Attorney General's work to protect consumers.

If you would like the Consumer Protection Unit to contact the business on your behalf, please complete the enclosed complaint form and return it to the address given on the complaint form. Please include **copies** of documents such as receipts or correspondence that relate to your dispute. Do not send any original papers. When we receive your complaint form, we will evaluate the issues and, if appropriate, send the business your complaint and ask for a response. Our ability to successfully mediate consumer concerns may depend on our being able to share your information with the business. However, if you would prefer that we not send your complaint to the business, you may so indicate on the second page of the complaint form.

We contact businesses about consumer complaints so that we can try to resolve the consumer's problems through informal mediation. If such mediation proves unsuccessful we may advise you that we cannot pursue the matter further.



RETURN THIS FORM TO:

CONSUMER PROTECTION UNIT
DEPARTMENT OF JUSTICE
STATE OF DELAWARE
820 NORTH FRENCH STREET, 5TH FLOOR
WILMINGTON, DELAWARE 19801
Phone: (302) 577-8600 or (800) 220-5424
Fax: (302) 577-6499
Email: consumer.protection @state.de.us

FOR OFFICE USE:

Case #: CAS-145955

Investigator: Kover

COMPLAINT STATEMENT

Your Name:

PATRICIA E. MORGAN

Name of Person or Business

Complaint is Against:

GENCRAFT HOMES

Your Home Address:

24531 PINE BARK LN.
Number and Street

Location:

1034 W. STEIN HWY SUITE A
Number and Street

THE PINES AT SEAFORD
Development (if any)

SEAFORD
City

SEAFORD
City

DE. 19973
State and Zip Code

DE. 19973
State and Zip Code

Phone Number(s): 302-628-7650

Phone numbers:

Home 302-628-3674

Work _____

Other _____

Email address: BRIDGE TO A BETTER LIFE @ MSN.COM

Email address: www.gencrafthomes.com

07/20/2006 13:38

3028563539

FSIA GTOWM

STR. in. Last Rtr Last on L.

No 048530

SINGLE FAMILY ☒COMMERCIAL ☐MULTI FAMILY ☐MISC ☐

REVIEW RECEIPT NO:

PERMIT NO: 245027

2:31 12.00 500.



of occupancy

Certificate is under 1200 sq ft @ Sanford Lot 9 which is scratched out.

PLAN REVIEW REPORT

NAME:

LLC

ADDRESS:

P.O. Box 647

CITY:

Fallston

STATE:

MD

ZIP:

21047

DWELLING:

3426

SQUARE FEET DESCRIPTION:

2 story Olympia

ADDITIONS:

460

SQUARE FEET DESCRIPTION:

Pitt garage

ACCESSORY STRUCTURES:

1784

SQUARE FEET DESCRIPTION:

w/fin basement

THE PLANS SUBMITTED FOR ABOVE PROJECT HAVE BEEN "REVIEWED FOR CODE COMPLIANCE" OF THE INTERNATIONAL BUILDING CODE OR INTERNATIONAL RESIDENTIAL CODE

12-16-05

DATE

PLEASE CONTACT THE FIRST STATE INSPECTION AGENCY AT (302) 856-3517 FOR ALL INSPECTIONS. (FOOTER, FRAMING, INSULATION, AND FINAL).

FEE INCLUDES: PLAN REVIEW & 5 INSPECTIONS (STICK BUILT) 4 INSPECTIONS (MODULAR). ANY ADDITIONAL INSPECTIONS WILL BE CHARGED \$40.00 PER VISIT.

CR# 1253

PLAN REVIEW AND INSPECTION FEE: \$350.00 DATE: 12/16/05 CLERK: SH

(PAID WHEN PLANS WERE SUBMITTED)

APPROVED BY:

Hrag Hill

* A 48 HOUR NOTICE IS REQUIRED FOR ALL INSPECTIONS *

CONTACT PERSON:

Debbie White

PHONE:

628-7650

SIGNATURE:

Debbie White



Name Certificate of occupancy is under

07/20/2006 13:38

3028563539

FSIA GTDMM

NOV 11 055-0011

Footer	Date & Time Called	Date Requested	Date Inspected	Job Conditions	Insp.
Framing & Foundation	1/5	1/10	1/16/06	OKTC	BB
Energy	# 443-783-3280				
	3/15/06	3/16/06	3/17/06	OKTI	BB
Steve	410-788-8528				
	3/20/06	3/21/06	3/21/06	OKTC	BB
Final	4/25/06	4/25/06	4/25/06	Final	BB
Total Number of trips			Number of extra trips		

revised: 01/10/05



John Ford
24531 Pine Bark Ln
Seaford, DE 19973

A/R Number
Group Code
Folio/Invoice No. /
Reference #

Room No.	401	Page No.	1 of 1
Arrival	11-10-06	Cashier No.	102
Departure	11-13-06	User ID	BJM

www.ichotelsgroup.com

Date	Description	Charges	Credits
11-10-06	*Accommodation	135.00	
11-10-06	Bed/Occupancy Room Tax	10.80	
11-11-06	*Accommodation	135.00	
11-11-06	Bed/Occupancy Room Tax	10.80	
11-12-06	*Accommodation	135.00	
11-12-06	Bed/Occupancy Room Tax	10.80	
Total		437.40	0.00
Balance		437.40	

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or association fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

Holiday Inn Express Seaford
210 North Dual Hwy
Seaford, DE 19973
Telephone: (302) 629-2000 Fax: (302) 629-9898



HOLIDAY INN EXPRESS
 210 NORTH DUAL HIGHWAY
 SEAFORD, DE 19973
 Phone: (302) 629-2000
 Fax: (302) 629-9898

JOHN FORD
 24531 PINE BARK LN

SEAFORD

DE 19973

Room	401
Arrive Date	11/03/06
Dept. Date	11/13/06
Folio#	1-1
Room Rate	135.00
Account	2-CAMEX
Mkt/Seg	4-ARP
Page	1

Independently owned by DELMARVA LODGING, L.L.C. and operated by DELMARVA LODGING, L.L.C.

11/03	114	1103000	RVB	DISCOUNT ROOM	\$	135.00	\$	.00	\$	135.00
11/03	811	1103001	RVB	ROOM TAX	\$	10.80	\$	.00	\$	145.80
11/04	114	1104000	BJM	DISCOUNT ROOM	\$	135.00	\$	.00	\$	280.80
11/04	811	1104001	BJM	ROOM TAX	\$	10.80	\$	.00	\$	291.60
11/05	114	1105000	BJM	DISCOUNT ROOM	\$	135.00	\$	.00	\$	426.60
11/05	811	1105001	BJM	ROOM TAX	\$	10.80	\$	.00	\$	437.40
11/06	114	1106000	BJM	DISCOUNT ROOM	\$	135.00	\$	.00	\$	572.40
11/06	811	1106001	BJM	ROOM TAX	\$	10.80	\$	.00	\$	583.20
11/07	114	1107000	BJM	DISCOUNT ROOM	\$	135.00	\$	.00	\$	718.20
11/07	811	1107001	BJM	ROOM TAX	\$	10.80	\$	.00	\$	729.00
11/08	114	1108000	RVB	DISCOUNT ROOM	\$	135.00	\$	.00	\$	864.00
11/08	811	1108001	RVB	ROOM TAX	\$	10.80	\$	.00	\$	874.80
11/09	114	1109000	CAP	DISCOUNT ROOM	\$	135.00	\$	.00	\$	1009.80
11/09	811	1109001	CAP	ROOM TAX	\$	10.80	\$	.00	\$	1020.60
11/10	913	1110000	CAP	AMERICAN EXPRES	\$	.00	\$	-1020.60	\$	.00
				TOTAL***					\$	.00

ACCOUNT NO. AX *****1001 0909		DATE OF CHARGE 11/10/06		ID. CAP
CARD MEMBER NAME FORD/JOHN E		FOLIO NO./CHECK NO. HI-124474-1/		
ESTABLISHMENT NO. & LOCATION HI EXPRESS SEAFORD 210 NORTH DUAL HWY SEAFORD, DE 19973		AUTHORIZATION 584487 \$ 1711.00 \$.00 \$.00		
		PURCHASE & SERVICES \$ 1020.60		
CARD MEMBERS SIGNATURE X		TOTAL AMOUNT		\$ 1020.60

MERCHANDISE AND/OR SERVICES PURCHASED ON THIS CARD SHALL NOT BE REFUND OR RETURNED FOR A CASH REFUND

AmericInn Of Harrington

Page 1 of 2

1259 Corn Crib Road
Harrington, DE 19952
302-398-3900 / 302-398-4300
Harrington@DERooms.com

JOHN FORD
24531 Pinebark Lane
SEAFORD, DE 19973

Room	Folio	CheckIn	CheckOut	Balance
224	65389	11/13/2006	12/08/2006	0.00
Master Folio		Weekday: 103.00 Weekend: 103.00		

Date	Room	Description / Voucher	Charges	Credits	Balance
11/13/2006	224	Room Taxable	103.00	0.00	103.00
11/13/2006	224	Lodging Tax - 8.000%	8.24	0.00	111.24
11/14/2006	224	Room Taxable	103.00	0.00	214.24
11/14/2006	224	Lodging Tax - 8.000%	8.24	0.00	222.48
11/15/2006	224	Room Taxable	103.00	0.00	325.48
11/15/2006	224	Lodging Tax - 8.000%	8.24	0.00	333.72
11/16/2006	224	Room Taxable	103.00	0.00	436.72
11/16/2006	224	Lodging Tax - 8.000%	8.24	0.00	444.96
11/17/2006	224	Room Taxable	103.00	0.00	547.96
11/17/2006	224	Lodging Tax - 8.000%	8.24	0.00	556.20
11/18/2006	224	Room Taxable	103.00	0.00	659.20
11/18/2006	224	Lodging Tax - 8.000%	8.24	0.00	667.44
11/19/2006	224	Room Taxable	103.00	0.00	770.44
11/19/2006	224	Lodging Tax - 8.000%	8.24	0.00	778.68
11/20/2006	224	Room Taxable	103.00	0.00	881.68
11/20/2006	224	Lodging Tax - 8.000%	8.24	0.00	889.92
11/21/2006	224	Room Taxable	103.00	0.00	992.92
11/21/2006	224	Lodging Tax - 8.000%	8.24	0.00	1,001.16
11/22/2006	224	Room Taxable	103.00	0.00	1,104.16
11/22/2006	224	Lodging Tax - 8.000%	8.24	0.00	1,112.40
11/23/2006	224	Room Taxable	103.00	0.00	1,215.40
11/23/2006	224	Lodging Tax - 8.000%	8.24	0.00	1,223.64
11/24/2006	224	Room Taxable	103.00	0.00	1,326.64
11/24/2006	224	Lodging Tax - 8.000%	8.24	0.00	1,334.88
11/25/2006	224	American Express - XXXXXXXXXXXX1001 AP: 526422	0.00	1,334.88	0.00
11/25/2006	224	Room Taxable	103.00	0.00	103.00
11/25/2006	224	Lodging Tax - 8.000%	8.24	0.00	111.24
11/26/2006	224	Room Taxable	103.00	0.00	214.24
11/26/2006	224	Lodging Tax - 8.000%	8.24	0.00	222.48
11/27/2006	224	Room Taxable	103.00	0.00	325.48
11/27/2006	224	Lodging Tax - 8.000%	8.24	0.00	333.72
11/28/2006	224	Room Taxable	103.00	0.00	436.72
11/28/2006	224	Lodging Tax - 8.000%	8.24	0.00	444.96
11/29/2006	224	Room Taxable	103.00	0.00	547.96
11/29/2006	224	Lodging Tax - 8.000%	8.24	0.00	556.20
11/30/2006	224	Room Taxable	103.00	0.00	659.20
11/30/2006	224	Lodging Tax - 8.000%	8.24	0.00	667.44

BW

12/08/2006 10:42 AM

Thank you for staying with us!

AmericInn Of Harrington

Page 2 of 2

1259 Corn Crib Road
Harrington, DE 19952
302-398-3900 / 302-398-4300
Harrington@DERooms.com

JOHN FORD
24531 Pinebark Lane
SEAFORD, DE 19973

Room	Folio	CheckIn	CheckOut	Balance
224	65389	11/13/2006	12/08/2006	0.00
Master Folio		Weekday: 103.00 Weekend: 103.00		

Date	Room	Description / Voucher	Charges	Credits	Balance
12/01/2006	224	Room Taxable	103.00	0.00	770.44
12/01/2006	224	Lodging Tax - 8.000%	8.24	0.00	778.68
12/02/2006	224	American Express - XXXXXXXXXXXX1001 AP: 547607	0.00	778.68	0.00
12/02/2006	224	Room Taxable	103.00	0.00	103.00
12/02/2006	224	Lodging Tax - 8.000%	8.24	0.00	111.24
12/03/2006	224	Room Taxable	103.00	0.00	214.24
12/03/2006	224	Lodging Tax - 8.000%	8.24	0.00	222.48
12/04/2006	224	Room Taxable	103.00	0.00	325.48
12/04/2006	224	Lodging Tax - 8.000%	8.24	0.00	333.72
12/05/2006	224	Room Taxable	103.00	0.00	436.72
12/05/2006	224	Lodging Tax - 8.000%	8.24	0.00	444.96
12/06/2006	224	Room Taxable	103.00	0.00	547.96
12/06/2006	224	Lodging Tax - 8.000%	8.24	0.00	556.20
12/07/2006	224	Room Taxable	103.00	0.00	659.20
12/07/2006	224	Lodging Tax - 8.000%	8.24	0.00	667.44
12/08/2006	224	American Express - XXXXXXXXXXXX1001 AP: 599274	0.00	667.44	0.00
Summary and Taxes					
Balance Due					0.00
Taxable Sales					2,575.00
Lodging Tax 8.00%					206.00

Building Code Department

Phone: 302/855-7860
Fax: 302/855-7869



Sussex County

P.O. Box 589
Georgetown, DE
19947

November 6, 2006

Patricia Morgan
24531 Pine Bark Lane
Seaford, DE 19973

Dear Ms. Morgan,

After being at you house and reviewing the CD from the Reliable Home Inspection Service, the following structural violations should be addressed:

1. A footer should have been installed under post at rear steps.
2. Exposed wood at fascia/soffit should have been covered.
3. Pickets should be maximum 4" between - anything greater than that is a violation.
4. All pickets should be installed & secured so that they do not come loose.
5. All mold/mildew should be removed from house (attic).
6. Extra anchor bolt should be removed.
7. Attic stairs not contacted properly.
8. All beams should bear a minimum of three (3) inches on surface.
9. Missing connection plate needs to be repaired.

Although there are a lot of other violations that concern you, the 2003 International Residential Code only allows us to address structural violations. If I can be of any assistance to you in your endeavor to get your house to meet code, please let me know.

Sincerely,

Van W. Milligan
Van W. Milligan
Chief Building Inspector

VWM/gw

CC: B.J. Carey - Gemcraft



Seaford Volunteer Fire Dept., Inc

Incident Report

EQUIPMENT USED:

☐ RESCUE TOOLS ☐ 87-6 AIR ☐ STATION AIR
☒ IMAGING CAMERA ☐ EXTRICATION TIME: _____
 EX Gas Detector

HOSE: [] FT.] - RED LINE [] FT.] - 1.5" [] FT.] - 1.75"
 [] FT.] - 3" [] FT.] - 5" [] GAL.] - WATER

MEN @ STATION: 18 MILES: 8 LADDERS RAISED: _____ FT
 MEN @ SCENE: 20

DETECTORS:

Alert occupants - [YES] / [NO] (C)
 Unknown []

Building Height: [] above grade [] below grade
 Square Feet: _____ OR width _____ x length _____

Ignition:

Area of origin: _____
 Heat source: _____
 First item ignited: _____

Fire spread confined to:

☐ object ☐ room ☐ floor
☐ building ☐ beyond building

Fire Origin:

☐ story of origin
☐ below grade

NARRATIVE:

— Dispatched as a Smoke Investigation —

87-2 arrived on scene and was greeted by the homeowners. The Morgans showed the crew where they saw the smoke coming from. The Morgans told us that the exhaust pipe coming from the heater was blowing out darker color smoke than normal. Once we arrived on scene we did not witness any smoke. While the crew was in side the Morgans told us they were having problems with there gas fire place. We used the gas detector and searched the basement and first floor and had normal levels ~~of~~ throughout the house.

Completed by: Curt Purse (87-17) Date: 10/28/06



PROPERTY MANAGEMENT, INC.
MANAGERS OF CONDOMINIUMS, HOMEOWNER
ASSOCIATIONS, & COMMUNITY ASSOCIATIONS

October 27, 2006

CERTIFIED MAIL

Patricia Morgan
24531 Pine Bark Lane
Seaford, DE 19973

Subject: The Pines At Seaford
Homeowners Association, Inc.

Dear Ms. Morgan:

I am writing to you on behalf of the above referenced community regarding the following matter.

It has come to our attention that you have a large sign in the front of your property. We are kindly requesting that you remove this sign, as the documents for your association do not permit signage of this nature within the development.

Please review the Declaration of Private Covenants, Conditions, & Restrictions, Article II, Section 2.21 Signs, which states "Except for entrance signs, directional signs, signs for traffic control or safety, community "themed areas", signs identifying Lots by numbers posted by Declarant or Builder, or "For Sale" signs (not larger then two (2) feet by three (3) feet), and except as provided in this Article II, Paragraph 2.09 and this Paragraph 2.21, no signs or advertising devices of any character may be erected, posted, or displayed upon, in, or about any Lot or Structure. The provisions and limits of this subsection do not apply to any institutional first Mortgagee of any Lot who comes into possession of the Lot by reason of any proceeding, arrangement, assignment or deed in lieu of foreclosure."

We are kindly requesting that the sign be immediately removed within 10 days from the date of this letter. Should our request be ignored then legal action may be required as noted in section 11.02 Enforcement.

Thank you for your anticipated cooperation with this request, should you have any questions, please do not hesitate to contact me toll free at 1-866-673-9434 or email to Erika.grden@mrakta.com.

Very truly yours,
MRA Property Management, Inc.

A handwritten signature in black ink, appearing to read "Erika N. Grden".

Erika N. Grden, Property Manager
Agent for Pines at Seaford

Eng

CORPORATE OFFICE

3435-G BOX HILL CORPORATE CENTER DRIVE
ABINGDON, MARYLAND 21009
410-515-7390 • FAX 410-515-7391 • 866-685-6557
E-MAIL: mrapi@mrakta.com

MEMBER OF
community
ASSOCIATIONS INSTITUTE



DELAWARE OFFICE

21133 STERLING AVENUE, UNIT 7
GEORGETOWN, DELAWARE 19947
TOLL FREE: 866-673-9434 • 302-856-7545

24531 Pine Bark Lane
Seaford, DE 19973
302-628-3674

September 20, 2006

Mr. Robert Adams
Service Manager – Eastern Shore
1034 W. Stein Highway, Suite A
Seaford, DE 19973

Dear Mr. Adams,

We appreciate the fact that you came to our home on June 14 and July 19th to discuss our need to have the issues on our “30-Day List” properly dealt with. As you know, that particular list was handed in on the 11th of May.

We still find ourselves waiting for a timely response to the issues on our list from May.

We last spoke with you by phone on August 24th. You indicated that the new Site Manager would contact us on Monday, August 28th. There has been no contact from the Site Manager, even after leaving messages for him at the Gem Craft office.

On 09/13/2006, we received your letter dated 09/08/2006. Your letter -- in reference to a “*post-settlement warranty appointment...*” – is now addressed with the enclosed form for the Warranty List. You will also find an ATTACHMENT containing items from the original “30-Day List” we gave to you.

We have been attempting to get you to set up appointments with us since May to simply address the issues on our “30-Day List.” If it is “**part of our (Gemcraft Homes) commitment to total customer satisfaction**” to offer a post settlement warranty appointment of our home, as your letter states, then why have you delayed so long in addressing our complaints listed in our “30-Day List” of issues?

Hopefully the enclosed Warranty List form will be handled in a more timely and agreeable manner.

Sincerely,

Patricia Ford-Morgan

"30"-Day List {P. Morgan: Lot #9 -- The Pines at Seaford}

May 11, 2006

~ ~ page 1 of 2 ~ ~

- **N.B.:** Caulking needed **throughout house around window frames & baseboard**
- **Repainting needed for the walls throughout the house**

LIVING ROOM: Cracked window frame (top of lower window – 3rd from column)

DINING ROOM: Window frames need Caulking.

HALL CLOSET: Right closet door missing hardware at top for closing
Sink in powder room has pock mark holes

FAMILY ROOM: Fire Place **frame is grey** in sections
Some paint stains on floor section of fire place

KITCHEN: Stove Island needs proper ¼-round at bottom; **Stove Island vibrates** when one walks by it; replace broken stove grill vent; the **opening for the refrigerator is too large;**
Repaint wall area above refrigerator area cabinets;
Replace grout at threshold from kitchen to dining room
and
From kitchen to garage door;
Repair hole on back of cabinet over the microwave;

Laundry Room: caulking needed; resolve purpose of pipe out of wall behind washer
Door from garage is dented; threshold strip is broken

Basement door keys not working; cement cracked at **outside access door** bottom
and needs sealing;

Basement cement support column at foot of stairs cracked at top junction

Basement storage closet: several gouges on wall; some baseboard unpainted;
¼ round needed for the landing beneath storage closet.

Banister railings & spindles are loose in places and have gaps in railings;

Banister posts at foot of stairway are missing button covers at the back;

Holes in stairway steps from drilling mis-measurements

2nd floor hall bathroom is missing grout and the grout colors are not uniform;
part of wall not painted; frame around door needs caulking;
sink pipe opening needs to be closed.
Two pieces of tile cut improperly in front of the sink.

Closet top door frame in Bedroom (next to **Master Bedroom**) needs sanding & painting

"30"-Day List {P. Morgan: Lot #9 -- The Pines at Seaford}

May 11, 2006

~ ~ page 2 of 2 ~ ~

MASTER BEDROOM: Fireplace wall control needs replacing;
Fireplace crack on left top side is visible;
Fireplace screen needs to be replaced.
Fireplace trim above the tub should be tile **and not wood**.

Master Bathroom: Shower needs correct color of grout around bottom;
Towel racks & Toothbrush holders need to be installed;
Second medicine cabinet needed on left side of sinks;
Toilet has pock mark hole in it; Tub needs caulking;
The ¼ round needs to be caulked/sealed;
Molding near linen closet has gap in it.

Mail Box needs to be completed

OUTSIDE AREAS: Tree debris needs to be removed;
Driveway needs enlargement;
Brick needs to be re-mortared at front & back;
Some Bricks are cracked/chipped at front & back of house;
Window frames need cleaning; **(Work begun on June 14th)**
Siding needs thorough caulking and sealing at seams;
Front door lights not centered;
All Pipes and Vents from outside to inside need to be sealed;

Please Note that the caulking and sealing is important because of the *springtail* mites and small bugs that do come in even after doors and windows are closed. The bugs are getting into the carpet and are on the floors in the morning.

~ ~ page 1 of 2 ~ ~

September 20, 2006

**P. Morgan: Lot #9
25431 Pine Bark Lane
Seaford, DE 19973
Phone: 302-628-3674**

Final Post Settlement Warranty List

Attachment: excerpts from "30"-Day List" for P. Morgan: Lot #9--The Pines at Seaford
**Originally given to Gemcraft Homes on May 11, 2006,
but not satisfactorily addressed by Gemcraft Homes.**

- **Repainting needed for the walls throughout the house**
- **All the entrance/exit doors in the house have to be adjusted for proper closure.**

LIVING ROOM: Cracked window frame (top of lower window – 3rd from column)

HALL CLOSET: Right closet door missing hardware at top for closing

KITCHEN: Repaint wall area above refrigerator area cabinets;
Replace grout at threshold from kitchen to dining room
and
From kitchen to garage door;
Repair hole on back of cabinet over the microwave;

Laundry Room: connect drain pipe out of wall behind washer

Door from garage is dented; threshold strip is broken

Basement door keys not working; cement cracked at **outside access door** bottom
and needs sealing;

Basement cement support column at foot of stairs cracked at top junction

Banister railings & spindles are loose in places and have gaps in railings;

Banister posts at foot of stairway are missing button covers at the back;

Holes in stairway steps from drilling mis-measurements

2nd floor hall bathroom: part of wall not painted; frame around door is cracked;
sink pipe opening needs to be closed.
Two pieces of tile cut improperly in front of the sink.

~ page 2 of 2 ~

Attachment

P. Morgan: Lot #9
25431 Pine Bark Lane
Seaford, DE 19973
Phone: 302-628-3674

Final Post Settlement Warranty List

MASTER BEDROOM: Fireplace trim needed to cover damage after Site Manager removed temporary molding.

Master Bathroom: Shower needs correct color of grout around bottom;
Towel racks & Toothbrush holders need to be installed;
Second medicine cabinet needed on left side of sinks;
Molding near linen closet has gap in it.

Second Floor: Cat-walk ceiling needs repainting as a result of leak from attic air conditioning unit problem.

OUTSIDE AREAS: Driveway needs final paving;
Brick needs to be re-mortared at front & back;
Some Bricks are cracked/chipped at front & back of house;
Siding needs thorough caulking and sealing at seams;
All Pipes & Vents from outside to inside need to be sealed;

For by B.J. Carey

GEMCRAFT HOMES

SETTING A STANDARD OF EXCELLENCE IN HOME BUILDING

This is not acceptable

✓ October 25, 2006

Patricia Morgan
24531 Pine Bark Lane
Seaford, DE 19973

Ms. Morgan:

After walking your home with you on Monday, October 23rd, several items were noted which Gemcraft Homes would like the opportunity to correct. These items are listed below.

Exterior:

- Replacement all torn and damaged shingles on roof.
- Removal of all string lines and construction debris.
- Replacement of several pieces of fascia aluminum.
- Re-wrapping of exterior basement door.
- Repair of damaged exterior concrete.
- Re-sealing of siding to brick, and around exterior doors
- Repair of sidelight in main entry door.
- Touch up of exterior paint where needed.
- Re-leveling of outdoor HVAC unit.

Basement:

- Adjustment of areaway door.
- Removal of concrete from areaway drain.
- Installation of splice plate at adjoining pieces of steel.
- Correction of bearing point at front piece of steel.
- Removal of exposed rebar in floor.
- Repair of damaged sub floor.
- Sealing of penetrations through sub floor.
- Replacement of basement window with condensation present.
- Re-keying of locks to match other locks in house.

Interior

- Adjustment of several doors.
- Repair of oak rails.
- Replacement of damage hardwood board in dining room.
- Repair of several drywall spots.
- Repair connection of washer drain-pan.
- Installation of corner brackets in attic stairs.
- Clean-up water damage in attic.
- Replacement of attic furnace filter.
- Re-sealing of attic duct work.
- Evaluation of repair made on HVAC condensation lines.
- Replacement of two damaged lower window sashes.

GEMCRAFT HOMES

SETTING A STANDARD OF EXCELLENCE IN HOME BUILDING

- Repair of grout in master bathroom.
- Touch up of garage door.
- Re-caulking of tubs in master bathroom.
- Replacement of marble threshold in hall bathroom.

I have enclosed a copy of your termite treatment letter. Please note that is all that is covered by your warranty.

This list will be treated as your final post settlement walk through. Please notify me of the dates that you will be available so that I may schedule the completion of the above work.

Sincerely,

B.J. Carey
Gemcraft Homes

C.C. Della Keyes, Jim Katelan, Van Milligan

Please sign below when all items have been completed to your satisfaction. .

Patricia Morgan

Date

Patricia Morgan

List of issues Gemcraft has not or will not address

1. House infestation caused by water and mud in basement (first seen during the first "walk through" and still present during the "walk through" before settlement); water and moisture in attic causing mold & mildew.
2. Railings that separate my family room from the kitchen (cost \$650.00) are suppose to be in my basement. Not there.
3. Clearing debris, sand piles, leveling etc. in the backyard
4. Restitution for money spent & labor for moving wood pile, caulking windows, window seals etc.
5. Repair of grout and floor tile in hall bathroom
6. Replace stained shower bottom in master bath; put tile completely around fireplace and take off window trim
7. Replace standard carpet with upgrade; the present carpet is darkening.
8. Install OAK CABINETS BASE, take out plywood and repair walls
9. Repair window seal ledges not sanded or painted
10. Put in window casings; repair windows improperly installed and windows that will not lock
11. Paint interior of the house (some walls were damaged & not painted); Mr.Adams had promised that the painting would be done several months ago.
12. Replace central vacuum (whole neighborhood can here it when it's on)
13. Replace dented garage entry door
14. Replace \$10.00 faucets, \$12.99 light fixtures, \$30.00 toilets throughout my house, as you have for the other home owners in this community who's paid over \$500.000 for their home.
15. I paid to have an octagon recessed ceiling with lights in my master bed room; I got a square recessed ceiling with no lights.
16. Center light over table in the breakfast area.

My kitchen, and bathrooms were upgraded. I only got \$5.00 metal towel racks (one in the master bath over the tub and none over the twin sinks); the faucets look like \$10.00 items; the tissue holders in all the bathrooms look like \$3.99 items; the light bulbs look like the 4 for \$4.99 variety; and the recessed fixtures are the cheapest you can buy.

CIVIL COVER SHEET

08-241

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

PATRICIA E. Morgan

(b) County of Residence of First Listed Plaintiff SUSSEX
(EXCEPT IN U.S. PLAINTIFF CASES)

PRO SEE

(c) Attorney's (Firm Name, Address, and Telephone Number)

PATRICIA E. Morgan

DEFENDANTS

GEMCRAFT HOMES
William J. CareyCounty of Residence of First Listed Defendant SUSSEX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 246 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

3,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

April 25, 2008
116-118-02-V-14-0002

Patricia E. Morgan

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

RECEIVED
U.S. DISTRICT COURT
SUSSEX COUNTY
APR 29 2008